

CRM-M-13260-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13260-2016

Decided on : 19.04.2016

Sukhpreet Kaur and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Bhupinder Ghai, Advocate,
for the petitioners.

G.S. Sandhawalia , J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioners and to ensure that they are not harassed at the hands of respondents No.4 to 6 or the relatives of petitioner No.1 and also directing respondents No.4 to 6 not to interfere in the personal life of the petitioners on account of their matrimonial alliance.

Mr.S.K.Gupta, Advocate appears for respondent No.4-Vir Singh who is also present in Court.

It has been averred in the petition that petitioner No.1 is major and her date of birth is 15.4.1998 as per school leaving certificate (Annexure P-1) and the date of birth of petitioner No.2 is 4.5.1995 as per the fifth class school certificate (Annexure P-2).

Learned counsel for respondent No.4-Vir Singh, however, placed reliance on the Aadhar Card to submit that the date of birth of

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petitioner No.1 is 22.7.1998 and that she has not turned 18. Photocopy of the Aadhar Card is taken on record.

It is further alleged that the petitioners got married on 17.4.2016 in Rama Krishna Mandir, Sector 19, Chandigarh as per Hindu rites and rituals against the wishes of respondents No.4 to 6. Photographs of the marriage have been appended as Annexure P-3 and the certificate of marriage is appended as Annexure P-4. The petitioners also made a representation dated 17.4.2016 (Annexure P-5) to respondent No.2 regarding their grievance and resultantly, they have approached this Court.

The threat perception as per learned counsel for the petitioners is that the petitioners belong to the same village. The respectables of the village are also present in Court along with the father who has also interacted with the girl for some time in Court. The girl was adamant not to interact. However, on persuasion by the learned counsel and by the Court, she has spent some time with the father. However, the petitioners still feel that threat perception continues as more persons are present outside the Court room.

After hearing counsel for the petitioners and without expressing any opinion on merits of the case, the veracity of the age and validity of the marriage and keeping in view that the school leaving certificate shows that the date of birth of petitioner No.1 is 15.4.1998 which is registered at the time of admission in the school in the year 2009, the petitioners are entitled to protection of their life and liberty at the hands of private respondents. Accordingly, in view of the

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observations made by the Hon'ble Apex Court in **Lata Singh v. State of U.P.** AIR 2006 SC 2522, the present petition is disposed of with the direction to respondents No.2 and 3 to look into the said issue and take necessary action in accordance with law and to ensure that no harm is caused to the petitioners at the hands of the private respondents on account of their matrimonial alliance.

The petition stands disposed of.

April 19, 2016
Paritosh Kumar

(G.S. SANDHAWALIA)
JUDGE