

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26305 of 2016

Date of decision: August 02, 2016

Komal and another

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Petitioners in person along with
Mr. Sudesh Sahi, Advocate.

JASPAL SINGH, J.

By virtue of the instant petition preferred under Section 482 of the Code of Criminal Procedure, the petitioners have sought issuance of directions to respondents No. 2 & 3 to protect their lives and liberty as they feel apprehension of danger at the hands of respondents No. 4 to 9 and their relatives, by providing them security.

2. Notice to respondents No.1 to 3, only at this stage.

3. At the asking of Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of day.

4. As per the case unfolded by the petitioners, they are major in age and have solemnized marriage on July 28, 2016, thereof they have placed on record marriage certificate Annexure P-3 and photographs Annexure P-4.

5. Without expressing any opinion on the validity of the marriage and keeping in view the mandate of the directions issued by the Hon'ble Apex Court in the case of **Lata Singh Vs. State of U.P. and another, JT 2006 (6) SC 173**, the present petition is disposed of with a direction to respondent No.2- Senior Superintendent of Police, Gurdaspur, to look into the grievances narrated in their representation dated July 28, 2016 (Annexure P-5) and to take appropriate action in accordance with law to ensure that no harm is caused to the life and liberty of the petitioners at the hands of private respondents.

6. While parting with this order, this Court cannot lost sight of the fact that petitioner No.2 is less than 21 years and he has solemnized marriage with petitioner No.1, which is in violation of the provisions of the Prohibition of Child Marriage Act, 2006. The Senior Superintendent of Police, Gurdaspur is directed to register a case and to investigate the same, and if a case is made out, to proceed with the same in accordance with law. However, it is made clear that parents of petitioners are not a party to the marriage, rather marriage is against their wish and consent. So, they shall not be involved in this case in any manner.

7. This order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed

as well as their age, as the Court is clearly deprived of any means to determine the aforesaid facts.

August 02, 2016

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**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No