

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26658 of 2016

Date of decision: August 04, 2016

Rakhi and another

.... Petitioners

Versus

State of Haryana & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Petitioners in person along with
Mr. Dhurav Singh, 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 and not to harass them at the behest of respondents No.4 and 5.

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

3. At the asking of Court, Mr. D.R. Singla, DAG, Haryana accepts notice on behalf of respondent-State of Haryana. 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 August 01, 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- Superintendent of Police, Nuh, District Nuh, to look into the grievances narrated in their representation dated August 01, 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. Here it would be pertinent to mention that though the petitioners have been stated to be major but marriage is in contravention with the provisions of the Prohibition of Child Marriage Act, 2006 (for short 'Act'), as petitioner No.2 is less than 21 years. Thus, Superintendent of Police, Panipat is directed to register a case against petitioner No.2 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 04, 2016

sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No