

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

CRM-M-30032-2015 (O&M)

Date of decision : 26.02.2016

Rajwinder Kaur & Anr.

..... Petitioners

Vs

State of Punjab & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Rahul Vats, Advocate, for
Mr. Rakesh Gupta, Advocate.
for the petitioners.

Mr. Lavinder Sofat, AAG, Punjab.

Mr. Nakul Sharma, Advocate,
for respondents No. 4 & 5.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Kuldeep Singh, J. (oral)

Both the petitioners are present in the Court.

Petitioners claim that they got married on 31.08.2015 in a Gurudwara at Bassi Pathana, District Fatehgarh Sahib as per Sikh rites and ceremonies against the wishes of the parents of petitioner No.1. Petitioner No.1 claimed that her date of birth is 13.07.1998 and she is more than 17 years, whereas petitioner No.2 has disclosed his date of birth as 25.12.1989 and he is above 25 years of age. They further claimed that they had made representation to respondent No.2 i.e. Senior Superintendent of Police, Fatehgarh Sahib for the protection of their life and liberty and since they are apprehending threat to their life and liberty

at the hands of private respondents, the present petition has been filed.

On notice, respondents No. 4 & 5 filed their reply, wherein it is stated that no representation was made by the petitioners to the Senior Superintendent of Police, Fatehgarh Sahib and in fact marriage was solemnized by them on 2.9.2015 and not on 31.8.2015. It is stated that before the Gurudwara at Bassi Pathana, District Fatehgarh Sahib wrong date of birth of Rajwinder Kaur - petitioner No.1 i.e. 13.7.1997 was given.

The State in its reply has taken the stand that no representation was made by the petitioners to Senior Superintendent of Police, Fatehgarh Sahib. It is stated that FIR No. 91 dated 31.7.2015 under Sections 363, 366A IPC is registered at Police Station Amloh against Jagdeep Singh-petitioner No.2.

I have heard learned counsel for the parties.

In this case, even if the plea of the private respondents is considered that the date of birth of petitioner No.1 is wrongly mentioned before Gurudwara, it can hardly prevent them from seeking protection from this Court. Petitioner No.1 claims her date of birth as 13.7.1998 whereas as per Matriculation examination certificate appended by the private respondents themselves along with their reply, her date of birth is mentioned therein as 13.7.1997, meaning thereby that petitioner No.1 had already attained majority before the date of marriage, which is 31.8.2015 in the present case. It is not

disputed by the respondents that petitioners have solemnized the marriage. In this regard, as a proof of their marriage, the petitioners have appended marriage photographs.

An FIR has been lodged against petitioner No.2 by the parents of petitioner No.1 and the fact that they are contesting and praying for taking action against petitioner No.2, shows that there is a danger to the life and liberty of the petitioners. Therefore, without going into the validity of the marriage that has been solemnized by the petitioners between themselves, this Court is of the opinion that petitioners are entitled to protection of their life and liberty. In such circumstances, a direction is issued to the Senior Superintendent of Police, Fatehgarh Sahib to protect the life and liberty of the petitioners and take necessary steps in this regard.

Petition is accordingly disposed of.

(KULDIP SINGH)
JUDGE

26.02.2016

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