

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

**Crl. Misc. No. M-22207 of 2017
Date of Decision: 4.7.2017**

Sandeep Kumar and another ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Dhawaljeet Dutta, Advocate for the petitioners

RAJIV NARAIN RAINA, J. (Oral)

The 1st Petitioner is in age major while the 2nd petitioner has not reached the marriagable age of 18 years and therefore, cannot be legally married. Learned counsel for the petitioners informs that she is aged 16 ½ years. They are in a relationship of love. When respondents 4 and 5, the parents of the girl wanted to forcibly marry the 2nd petitioner to someone against her wishes, she came to live with the 1st petitioner on her free will. Both of them are staying together at Chandigarh in a live-in-relationship. Learned counsel submits that respondents 4 to 7 belong to the family of the 2nd petitioner who are dead against their live-in-relationship and all they they wish is that the 1st petitioner may ultimately marry the 2nd petitioner but as and when she becomes a major and of marriagable age.

The petitioners apprehend that they may come to grief and bodily harm and injury at the hands of respondents.4 to 7. Respondents 4 and 5 are father and mother of the 2nd petitioner whereas respondents 6 and 7 are Uncles of the 2nd petitioner. The petitioners have approached

this Court for issuance of directions to the local police at Gurdaspur to protect their life and liberty apprehending danger.

Although the girl is minor, yet the prayer is based on Article 21 of the Constitution of India, and therefore, deserves the immediate attention of the Police Department to ensure that the petitioners are not unduly harassed by anyone including the respondents 4 to 7. It is not for this Court in a protection petition to engage itself in social mores, norms and human behaviour or introduce personal ideas on morality. It must be remembered that in the Hindu Marriage Act, 1956 marriage of a minor girl is not void but voidable on reaching the marriagable age. In this case admittedly marriage has not been contracted yet. Only their life and freedom is involved.

Therefore, the Senior Superintendent of Police, Gurdaspur is directed to personally look into the matter and offer help, which is consistent with their safety. For this, the petitioners would contact the office of the Senior Superintendent of Police, Gurdaspur, give their contact numbers, who will take up the matter immediately and take such action as is warranted by law so that no harm comes to the petitioners. These directions are issued as guided by the Supreme Court in Lata Singh vs. State of UP & another, 2006 (3) RCR (Criminal) 870.

With these directions, the instant petition is disposed of without expressing any opinion on the status of the petitioners in society.

(RAJIV NARAIN RAINA)
JUDGE

4.7.2017

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No