

224.

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

CRM-M-25774-2017

Date of decision:12.09.2017.

JASHANJOT SINGH & ANOTHER

... Petitioners

Versus

STATE OF PUNJAB & OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.S. Kainth, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondents No.1 to 3.

Ms. Waseem Yadlapati, Advocate,
for respondents No.4 and 5.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners and to direct private respondents i.e. respondents No.4 and 5 not to interfere in their married life.

Power of attorney filed on behalf of respondents No.4 and 5 is taken on record.

The date of birth of petitioner No.1-Jashanjot Singh is 01.01.1994, whereas the date of birth of petitioner No.2-Priyanka Gulati is 16.04.2000.

Learned counsel for the petitioner has argued that on 01.06.2016, the family of both the petitioners got the petitioners engaged with each other with their mutual consent, but later on some differences cropped up between the family of the petitioners and,

therefore, the family of petitioner No.2 stepped back from this relationship and fixed her marriage with another boy against her wishes and compelled her to marry with him. He has further argued that petitioner No.2 is about 17 years and 5 months. He has relied upon of a Division Bench judgment of Delhi High Court rendered in **Ravi Kumar Versus The State & another-2006(1) R.C.R. (Criminal) 41** wherein it was held that the marriage between the parties is neither void nor illegal as the girl though below 18 years of age had reached the age of discretion.

On the other hand, learned State counsel has argued that petitioner No.2 is minor and, therefore, the parents are entitled to have the custody of the minor child.

I have heard learned counsel for the parties.

Taking into consideration the judgment passed by this Court in **Ridhwana and another Versus U.T. Administration and others-2008(4) R.C.R. (Criminal) 242** as well as **Ravi Kumar's case** (supra), even if the age of petitioner No.2 is taken to be less than 18 years and she has left the house on her own and is not inclined to go back to her parents' house, the life and liberty of the petitioners is required to be protected.

In view of above, present petition is allowed and respondent No.2-Commissioner of Police, Ludhiana, is directed to ensure that no harm is caused to the life and liberty of the petitioners at the hands of respondents No.4 and 5.

(HARI PAL VERMA)
JUDGE

12.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No