

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

CRM-M-26348-2017 (O&M)
Date of decision : 24.07.2017

VARINDER KUMAR AND ANOTHER *Petitioners*

Vs.

STATE OF PUNJAB AND OTHERS *Respondents*

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Petitioners in person with Mr. Rajesh Bhateja, Advocate.

KULDIP SINGH J. (ORAL)

In the present petition, it is claimed that the petitioner No. 1-Varinder Kumar is major and his date of birth is 25.12.1990, aged about 26 ½ years and petitioner No. 2-Simran Kaur, is a minor and her date of birth is 13.04.2001, aged 16 years and three months, and they have performed marriage against the wishes of their parents on 20.07.2017 as per Hindu Rites and Ceremonies. The photographs of the marriage have been placed on file as *Annexure P-3*. The true typed copies of Adhar card issued by the Government of India, showing the date of birth of petitioners, have been placed on file as *Annexure P-1 and Annexure P-2*.

The petitioners apprehend threat to their life and liberty at the hands from the private respondents No. 4 to 13 which are from the petitioner No. 2 side. It is claimed that an application dated 20.07.2017 (*Annexure P-4*) has been moved before the police authorities for protecting their life and liberty as they apprehend danger to their life from the private respondents.

Today, respondents No. 4 and 7 has appeared on their own alongwith their counsel, Mr. S.S. Goraya, Advocate. On the request of father of petitioner No. 2-Simran Kaur, he was allowed to talk to her daughter-

petitioner No. 2 in the Court room for about 15 minutes. Thereafter, the case was again taken up. After the meeting, this Court asked petitioner No. 2-Simran Kaur as to whether she wants to accompany with her parents or with her husband-petitioner No. 1, to which she has categorically stated that she wants to accompany her husband-petitioner No.1 and not her parents. She also complained that she is being threatened by her father. Father of the petitioner No. 2-Simran Kaur has also stated in the Court that if his daughter accompanies petitioner No. 1, he will commit suicide by consuming something. He was advised to not to loose his cool.

Admittedly, petitioner No. 2-Simran Kaur is a minor being below 18 years of age. Now, a question would arise whether in case one of the party to the marriage is minor, protection of life and liberty can be declined by this Court or not?

I am of the view that though the marriage with minor is voidable only at the option of the minor, the marriage itself is not void or illegal and this Court on this ground cannot decline the request for protection of life and liberty of the petitioners.

Keeping in view that the parents and the relatives of the petitioner No. 2 are opposing the marriage on one or the other grounds, the petition is disposed of with direction to the Senior Superintendent of Police, Pathankot to assess the threat perception to the life and liberty of the petitioners and if it is found that there is danger to the life and liberty of the petitioners, necessary steps be taken to protect the life and liberty of the petitioners.

Copy of this order be given under the Signatures of the Bench

Secretary of this Court to the learned State counsel, Mr. C.L. Pawar,

Sr. DAG, Punjab, for immediate communication of the same to the Senior Superintendent of Police, Pathankot.

(KULDIP SINGH)
JUDGE

July 24, 2017
Suresh Kumar

<i>Whether speaking / reasoned</i> :	✓		
	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i> :			✓
	<i>Yes</i>	/	<i>No</i>