

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-47866 of 2017

Date of Decision: 14.12.2017

Manish Kumar Sahu and Another

... Petitioner(s)

Versus

State of U.T. Chandigarh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Ms. Manjeet Kaur, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Both the petitioners are present in the Court and are identified by their counsel.

Petitioners have sought protection of their lives and liberty, *inter alia*, taking the plea that they performed the marriage with each other, whereas private respondents are not accepting their marriage and now they are apprehending danger to their lives and liberty from private respondents. Learned counsel for the petitioners contended that the petitioners performed marriage on 9.12.2017. Petitioner No.1 is aged 22 years, whereas petitioner No.2 is approximately 18 years of age, as her date of birth is 17.12.1999. Thus, petitioner No.2 is minor at the time of solemnization of marriage. Petitioners have taken the plea that they performed their marriage with their free will. Reliance has been placed upon a judgment rendered by the Hon'ble Division Bench of this Court in ***Rajwinder Kaur and Another v. State of***

Notice of motion.

On the asking of the Court, Mr. Gautam Dutt, Additional Public Prosecutor, U.T. Chandigarh accepts notice on behalf of No. 1 to 3.

Having considered the submissions made by learned counsel for the petitioners; view taken by the Hon'ble Division Bench of this Court in ***Rajwinder Kaur's case (supra)*** and perusal of record, admittedly petitioner No.2 was a little short of eight days to attain the age of majority at the time of marriage and she is on the threshold of attaining majority. This Court is of the considered view that even marriage with a minor is voidable at the option of minor and it is not a void or illegal marriage. This Court is not to go into the validity of the marriage to provide protection. The fact that the parents of petitioner No.2 are not happy with the marriage. Therefore, the apprehension of the petitioners is genuine. Therefore, without going into the validity of the marriage, the petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Chandigarh to assess the threat perception to the life and liberty of the petitioners and provide necessary protection to their life and liberty as he deems fit in the given circumstance. In case, the petitioners had committed any offence, the law will take its own course.

(Shekher Dhawan)
Judge

December 14, 2017

“DK”

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