

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-1233 of 2018 (O&M)
Date of Decision: 08.03.2018

Harjit Kaur and another		...Petitioners
	Versus	
State of Punjab and others		...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ithlesh, Advocate, for
Mr. Amninder Singh Cheema, Advocate, for the petitioners.
Mr. J.S. Walia, Sr. DAG, Punjab

Amol Rattan Singh, J. (Oral)

As already noticed in the order of this Court dated 12.01.2018, the petitioners are seeking protection of their lives and liberty at the hands of respondents no.4, who is stated to be the father of petitioner no.2, on account of the fact that they have married each other of their own free will, against the wishes of the said respondent.

However, it was also noticed in the said order, by which notice was issued by this Court, that petitioner no.1 was earlier married to one Rashpal Singh, from whom she is stated to have obtained a divorce on 22.12.2017 (a copy of the decree having been annexed with the petition as Annexure P-6).

Consequently, it was noticed that the petitioners having performed marriage with each other on 04.01.2018, (as per the petition), in case of any challenge to the divorce decree, the said marriage would come within the prohibition contained in Section 15 of the Hindu Marriage Act,

1955.

Today, learned State counsel, on instructions from ASI Dalbir Singh, submits that the father of petitioner no.1, i.e. respondent no.4, has informed the police that he is not opposing the marriage of the petitioners with each other and further, as per the information of the police, the former husband of petitioner no.1, i.e. Rashpal Singh, is a resident of Italy and he has not challenged the divorce.

In any case, the petitioners being adult seeking protection of their lives at the hands of respondent no.4, are entitled to such protection and consequently, this petition is disposed of with a direction to respondents no.2 and 3 to ensure that the lives and liberty of the petitioners, continue to be protected, within the four corners of law.

However, nothing stated herein above, either in this order or in the previous order, would be construed to be an observation as regards the validity of the marriage, which may be subject matter of any proceedings initiated by a competent person.

08.03.2018
vcgarg/nitin

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: No