

CRM-M-8111-2018

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

CRM-M-8111-2018

Date of Decision: 26.03.2018

Harvinder Kaur and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rishu Mahajan , Advocate,
for the petitioners.

Mr. J.S. Walia, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

As already noticed in the order of this Court dated 14.03.2018, as per the report of the Registry, notice issued to respondents no. 6 and 7 (with respondent no. 6 being the daughter of petitioners no. 1 and 2), had been received back unserved, with the report that the addresses of the said respondents is incomplete.

It had also been noticed that a petition seeking protection had been filed by the said respondents in the Court of the learned Sessions Judge, Ludhiana, in which the next date of hearing was 22.03.2018.

Today, learned counsel for the petitioners has produced in Court two orders passed by the learned Sessions Judge, the first stating that despite the case having been called many times, the petitioners had not come present in Court with respondents no. 3, 4, 6 and 7 before that Court (which include the present petitioners) having put in appearance.

Consequently, the matter had been ordered to be put up along with an application filed for proceedings under Section 340 Cr.P.C. to be commenced, the said application having been filed by the present petitioners.

The 2nd order by the learned Sessions Judge, also of the same date, gives details with regard to summons attempted to be served upon respondents no. 6 and 7 herein, with a notice also sent to the SHO, Police Station Daba, Ludhiana, for the date fixed before that Court, i.e. 10.04.2018, and a direction issued that if service upon the respondents in the application under Section 340 Cr.P.C., i.e. present respondents no. 6 and 7 and one Parveen Kumar (respondent no. 10 herein), were not effected personally, it would be so effected through affixation.

Though obviously the learned Sessions Court at Ludhiana, is fully seized of the matter and there would other be no reason for this Court to continue this petition, learned counsel for the petitioners points to the fact that no action is being taken by the SHO Police Station Mehatpur (respondent no. 5 herein), to even try and trace respondent no. 6, i.e. the daughter of the petitioners, on the ground that there is an interim order of protection in her favour (as also in favour of respondent no. 7).

He also submits that as a matter of fact actually respondent no. 7 herein, i.e. Parminderjit Singh, is a permanent resident of the same village where the petitioner resides, i.e. village Mehatpur, Tehsil Nakodar, District Jalandhar, but the SHO, Police Station Mehatpur is not taking any action on representations made by the petitioners, to even obtain the actual age of respondent no. 7.

The daughter of the petitioners admittedly being above 18 years old, the question only would be now with regard to perjury proceedings which the learned Sessions Judge, Ludhiana, is already seized of, as also with regard to any proceedings to be initiated against respondent no. 7, Parminderjit Singh, as

according to the petitioners he is less than 21 years of age, thereby making him liable for prosecution for the commission of offences punishable under Sections 10/11 of the Prohibition of Child Marriage Act, 2006, such offence being cognizable offences in terms of Section 15 of the said Act.

This petition is consequently disposed of with the petitioners at liberty to file an appropriate petition/application in that regard before the Court of the learned Sessions Judge, Ludhiana.

March 26, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes