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CRM-M No.54632 of 2018
Date of Decision: 10.12.2018

Harpreet Kaur and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Mr. Mohit Garg, Advocate
for respondents No.4 and 5.

Shekher Dhawan, J.

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

Present petition has been filed by the petitioners under Section 482 Cr.P.C. for providing 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 06.12.2018. Both the petitioners are major. Copies of birth certificate and photocopy of Aadhar card produced and perused.

Notice of motion to respondents No. 1 to 3 only.

On the asking of the Court, Mr. APS Gill, Deputy Advocate

General, Punjab, accepts notice on behalf of the respondent-State.

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

Learned counsel representing respondents No.4 and 5 has taken a plea that petitioner No.1 is 15 years of age and as such, she cannot perform the marriage. He produced a detailed marks card in which her age has been shown as 18.09.2003.

As the petitioners have come with the plea that they have attained the age of majority by now and in this regard, copy of birth certificate has been produced in Court.

In view of the above, the present petition stands disposed of with a direction to respondent No.2-the Commissioner of Police, Ludhiana, to provide protection of the lives and liberty to the petitioners.

However, it is made clear that this order shall not be taken to validate the alleged marriage of the petitioners or entitle them for any protection against their arrest or continuance of any criminal proceedings, if they are found involved in the commission of any cognizable offence. In case, the petitioners had committed any offence, the law will take its own course. It is also made clear that in case the birth certificate is found to be forged and fabricated, the legal action shall be taken against petitioner No.1 and the present order passed by this Court shall not be a bar to that.

With the above said observations made and directions issued, the present petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

10.12.2018

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No