

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

**CRM-M-116-2019**

**Date of decision: 04.01.2019**

Meenakshi and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Balraj Singh Dhull, Advocate for the petitioners  
with the petitioners in person.

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**ARUN KUMAR TYAGI, J (ORAL)**

The petitioners have approached this Court seeking protection of their life and liberty on the averments that the petitioners, being major, performed marriage on 01.01.2019 at Durga Mandir, Kurukshetra, as per Hindu rites and rituals against the wishes of father of petitioner No.1, impleaded as respondent No.4 and the petitioners are apprehending threat to their life and liberty at their instance.

Notice of motion.

On asking of the Court, Mr. Parveen Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent-State. Complete set of paper book has been supplied to learned State counsel.

The petitioners, who are aged about 16 years and 10 months and 18 years and 2 months, respectively as per the documents including Aadhar Cards attached with the petition, are present in the Court and duly identified by their counsel. On being questioned by the Court, the petitioners have admitted having solemnized marriage and reiterated their prayer as mentioned in the petition.

Learned Counsel for the petitioners has submitted that marriage performed by the petitioners in breach of condition envisaged in Section 5(iii) of the Hindu Marriage Act is voidable and not void. However, the question as to validity of marriage of the petitioners would also require consideration in the context of observations made by Hon'ble Supreme Court in **Independent Thought vs. Union of India and Another, 2017 (4) RCR (Criminal) 595** whereby exception 2 to Section 375 of the IPC was read to provide that sexual intercourse or sexual acts by a man with his own wife, the wife not being under 18 years of age, is not rape. However, in the present case this Court is mainly concerned with the question of protection of the life and liberty of the petitioners in view of apprehensions of danger from respondent No.4-father of the petitioner No.1.

Learned Counsel for the petitioners states that a representation dated 01.01.2019 (Annexure P-4) was made to the Superintendent of Police, Kurukshetra, seeking necessary protection but no action has been taken so far in the matter.

Since the matter involves protection of life and liberty of the petitioners, without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with the directions to respondent No.2-Superintendent of Police, Kurukshetra, to look into the grievances of the petitioners expressed in the representation (Annexure P-4) and to take appropriate action for protection of their life and liberty in accordance with law as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against petitioner No.2, then nothing in this order shall be construed as a bar to taking of appropriate action by the police authorities against him in respect thereof in accordance with law.

**(ARUN KUMAR TYAGI)**  
**JUDGE**

**04.01.2019**  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No