

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

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**CRWP-2175-2020
Date of decision: 28.02.2020**

Simranjit Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Harsh Manocha, Advocate for the petitioners
with petitioners in person.

ARUN KUMAR TYAGI, J (ORAL)

The petitioners, aged 18 and 18 ½ years respectively as per their Aadhar Cards, have approached this Court seeking protection of their life and liberty on the averments that the petitioners performed marriage on 20.02.2020 in Mandir in the presence of Pandit, as per Hindu rites and ceremonies against the wishes of respondents No.5 and 6 and the petitioners are apprehending threat to their life and liberty at their instance.

Learned Counsel for the petitioner has submitted that the marriage was solemnized in temple near Mansa Devi Complex, Panchkula but inadvertently due to typographical omission this fact was not mentioned in the petition and the same may be allowed to be corrected. In view of the facts and circumstances and in the interest of justice, the request is allowed and the petition is allowed to be corrected. Registry is directed to make necessary corrections in the scanned copy of the petition and also to ensure that place of marriage is mentioned in the body of such petition at the time of institution and marriage certificate is also attached with the petition where-ever the

marriage certificate is so issued.

Notice of motion restricted to respondents No.1 to 4 only.

On asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of respondents No.1 to 4. Copy of paper book has been supplied to learned State counsel.

The petitioners, who are present in the Court, have admitted, on being questioned by the Court, that they have solemnized marriage and reiterated their prayer for protection as mentioned in the petition.

Learned counsel for the petitioners states that a representation dated 20.02.2020 (Annexure P-4) was made to the Senior Superintendent of Police, Patiala seeking necessary protection but no action has been taken so far in the matter and prays for issuance of direction in this regard.

Learned State counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

Without examining the question of legality and validity of the marriage and expressing any opinion thereon but keeping in view the legal position that marriage performed by bridegroom of less than 21 years of age with bride aged 18 years will not be void or voidable, though the same may be punishable under Section 18 of the Hindu Marriage Act, 1955, the petition is disposed of with the directions to respondent No.2-Senior Superintendent of Police, Patiala to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-4) and take appropriate action for protection of their life and liberty 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 for taking of appropriate action by the police authorities against him in respect thereof in accordance with law.

Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2- Senior Superintendent of Police, Patiala for requisite compliance and to place a copy of this order before Registrar (Judicial) of this Court for issuing appropriate instructions for requisite compliance.

28.02.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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