

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

**CRWP No. 3682 of 2020
Date of Decision: 15.06.2020**

Mamta Rani and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Kumar Choudhary, Advocate,
for the petitioners.

Mr. Bhupinder Beniwal, A.A.G., Punjab.

Mr. Parvesh Sachdeva, Advocate,
for respondents no. 4 to 6.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

As already noticed in the order dated 12.06.2020, the petitioners seek the protection of their lives and liberty at the hands of respondents no. 4 to 6, upon the petitioners having married each other (as contended) against the wishes of the said respondents on 09.06.2020.

Vide the aforesaid order, this court had directed the Senior Superintendent of Police, Fazilka, to have the matter inquired into and have an affidavit of a gazetted officer filed, as to whether the petitioners are in any prohibited relationship to each other, as also with regard to their dates of birth as per school records.

Pursuant to the above direction, learned State counsel has already sent (by “WhatsApp communication” to the staff of this court), an affidavit of Sh. Palwinder Singh Sandhu, PPS, Deputy Superintendent of Police, Sub-Division Jalalabad, District Fazilka, dated 14.06.2020, in which it is stated that the petitioners' common ancestor through their respective fathers is one Naggar Singh, who was 4 generations above the petitioners, i.e. he is the grand-father of the grand-fathers of each of the petitioners.

It has next been stated that as regards petitioner no. 1, Mamta Rani, her age has been determined to be above 18 years, as per school record, her date of birth being 22.02.2002; and as regards petitioner no. 2, Sandeep Singh, his fathers' statement is to the effect that he is 22 years old.

Learned counsel for respondents no. 4 to 6, however, reiterates that the petitioners are in a prohibited sapinda relationship to each other because in terms of Section 3 (f) of the Hindu Marriage Act, 1955, sapinda relationship on the paternal side goes up five generations, and therefore any marriage performed by the petitioners with each other is void on that account.

Having considered the matter, it is to be observed again that the petitioners are only seeking protection of their lives and liberty at the hands of respondents no. 4 to 6, and therefore this court is actually not to comment upon the validity of any marriage performed by the petitioners to each other.

Therefore, with both the petitioners otherwise being of the age of majority, this court cannot even direct that they would not be permitted to live with each other and consequently, this petition is disposed of with a direction to the SSP, Fazilka, and the SHO of the police station concerned, to ensure that such life and liberty of the petitioners is duly protected at the hands of respondents no. 4 to 6 and any other person, but obviously, with liberty to any aggrieved person who

has *locus standi* to do so, to approach the concerned court as regards the validity/invalidity of the marriage of the petitioners with each other.

June 15, 2020
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes