

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

Crl. Writ Petition No. 4782 of 2020

Date of decision : 14.07.2020

Akash Dhiman and anr.

....Petitioners

versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Thakur, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

This petition under Article 226 of the Constitution of India is for issuance of direction to respondent Nos. 2 & 3 to protect the life and liberty of the petitioners and further to ensure that they may not be harassed by respondent No 4 to 9.

Learned counsel for the petitioners at the very outset submitted that the girl i.e petitioner No. 2 is minor, as her date of birth is 24.11.2003. Learned counsel for the petitioner is relying upon judgment titled as **Jitender Kumar Sharma vs. State of another, 2010 (4) RCR Criminal 20**, wherein a minor girl aged 16 years married boy aged 18 years against the wishes of her parents. It has been held that a husband who is a minor can be the guardian of his minor wife and her natural guardian is no longer her father but her husband. The girl refused to live with her parents and expressed her desire and wish to live with her husband and thus custody of the wife was given to husband.

Issue notice of motion.

On asking of the Court, Mr. S.P.S. Tinna, Addl.A.G. Punjab

accepts notice on behalf of the respondent-State.

In view of the above mentioned judgment, this petition is being disposed of by giving liberty to the petitioners to approach respondent No.2- Commissioner of Police, Jalandhar Commissionerate, for protection, as per the instructions dated 10.08.2010 issued by the Home Department, Punjab, who will look into their representation dated 29.06.2020 (P-4), in view of the above mentioned judgment.

14.07.2020
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>