

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Sr. No.107

CRWP No.5793 of 2020

Date of Decision: August 11, 2020

Rahul Kumar and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Ms. Anu Bala Garg, Advocate
for the petitioners

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

MEENAKSHI I. MEHTA, J. (Oral)

Case has been taken up through video conferencing in view of the outbreak of Pandemic COVID-19.

By way of the instant petition, the petitioners have sought the indulgence of this Court for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect their life and personal liberty as they apprehend threat to the same at the hands of respondents No.4 to 7 because they (petitioners) have solemnized their marriage against the wishes of these respondents. It has also been mentioned in the petition that the petitioners have already moved a representation (Annexure P-6) to respondent No.3-Station House Officer, Sunam, on 06.08.2020, in this regard.

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

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, at the asking of the Court, accepts notice on behalf of respondents No.1 to 3.

Heard.

Learned counsel for the petitioners restricts his prayer to issuance of a direction to respondent No.3 to take appropriate action on the said representation (Annexure P-6).

Learned counsel for the State has no objection for the same.

However, it is pertinent to mention here that as per Annexure P-4, i.e. the copy of Aadhar Card of petitioner No.1-Rahul Kumar, he was born on 30.06.1993 meaning thereby that he had completed the age of 21 years on 06.08.2020, i.e. the date when the marriage is stated to have been solemnized between the petitioners but a bare perusal of Annexure P-5 i.e. the copy of the Aadhar Card of petitioner No.2-Heena, reveals that her date of birth has been mentioned as 07.09.2002 therein. Thus, it is explicit that on 06.08.2020, she had not completed the age of 18 years, as legally prescribed for a female to contract marriage.

However, undisputedly, the protection of life and liberty is a fundamental right of every citizen as envisaged under Article 21 of the Constitution of India. Therefore, without expressing any opinion on the legality and validity of the said marriage, respondent No.3-Station House Officer, Police Station Sunam, District Sangrur, is hereby directed to look into the said representation (Annexure P-6) and if it is found that the petitioners genuinely deserve any protection, then to take an appropriate action in accordance with law. It is clarified that this order shall not be construed to be a shield to the petitioners against any proceedings initiated by the competent Authority/person

on account of the said marriage and permissible under any relevant provisions of law.

This petition stands disposed of.

(MEENAKSHI I. MEHTA)
JUDGE

August 11, 2020
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Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No