

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112)

CRWP no.6061 of 2020 (O&M)
Date of Decision: 18.08.2020

Rajwinder Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Joginder Pal Devgan, Advocate, for the petitioners.

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.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 10, who are stated to be the parents and immediate relatives of petitioners no.1 and 2, upon them having married each other (as contended) against the wishes of the said respondents, on 11.08.2020.

Learned counsel for the petitioners submits that petitioner no.1 was earlier married but by way of a divorce before the Panchayat (copy Annexure P-3), she was divorced from her first husband and thereafter she married petitioner no.2, with both the petitioners now being under threat from respondents no.4 to 10.

A representation is stated to have been filed before the Senior Superintendent of Police, Amritsar (Rural), which has however not been acted upon (as contended).

Without making any comment on the validity of the marriage or the 'deed of divorce' annexed as Annexure P-3 which would naturally be

subject to the provisions of Section 24(2) and (3) of the Hindu Marriage Act, 1955, this petition is disposed of with a direction to the SSP, Amritsar (Rural) (respondent no.2), to ensure that the lives and liberty of the petitioners are not put to any harm or threat at the hands of the aforesaid respondents, or at their behest; though naturally, proceedings under the provisions of law shall be initiated if either of the petitioners is found to be below the legally marriage age for females/ males as per the provisions of the said Act (18 years in the case of a female and 21 years in the case of a male).

Also, if the marriage itself is found to be void as per law, legal proceedings shall continue before a competent court, in accordance with law.

However, even if they are found to be legally married and proceedings under the Act of 2006 are initiated under the provisions of that Act, since protection of life is a fundamental right of every citizen under Article 21 of the Constitution of India, the SSP shall ensure their lives are not put to risk in any manner at the hands of respondents no.4 to 10 or any other persons.

Consequently, the SSP shall pass an order within a period of two weeks from today on the representation stated to have been filed by the petitioners, and if the representation of the petitioners is not traceable, the contents of this petition shall be treated as a representation before the SSP, who accordingly shall pass an order; and in the meanwhile the life and liberty of the petitioners shall be protected as per law.

18.08.2020

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(AMOL RATTAN SINGH)

JUDGE

Whether speaking/reasoned :Yes

Whether Reportable :No