

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.105

CRWP-6587-2020
Date of decision : 31.8.2020

Neha and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Arun Takhi, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The present petition has been filed seeking protection of lives and liberty as the petitioners fear that respondents No.4 to 8 (parents and other relations of petitioner No.1) will cause them bodily harm as their marriage has been performed against their wishes.

Notice of motion. Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of respondents No.1 to 3-State.

Petitioner No.2 is major and the same is proved by his Aadhar Card (Annexure P-2). Petitioner No.1 has also submitted her Aadhar Card (Annexure P-1) showing her date of birth as 6.4.2004.

Petitioner No.1 is below the age of marriage prescribed by the Hindu Marriage Act, 1955. However, the marriage is not rendered void ab initio on this count. This is the legal proposition but a finding in this regard can only be returned by a competent Court based on evidence in case the validity is called in question. Prima facie, the lives and liberty of the petitioners deserve to be protected if in fact their apprehension is genuine.

The petition is disposed of with direction to respondent No.2 to decide representation dated 19.8.2020 (Annexure P-4) and to provide necessary protection in case the facts of the case is dictate.

It is made clear that this order is not a bar on initiation of any proceedings in accordance with law nor is it an expression of opinion regarding the validity or otherwise of the marriage.

The petition is accordingly disposed of.

(SUDHIR MITTAL)
JUDGE

31.8.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No