

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-7179-2020 (O&M)
Date of decision: 28.09.2020

Sandeep Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parvesh Sachdeva, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of direction to respondents No.2 & 3 to protect the lives and liberty of the petitioners at the hands of respondents No.4 to 9 and other relatives.

Learned counsel for the petitioners submits that since petitioner No.2 has not attained the age of 18 years to perform marriage with petitioner No.1, they are living in live-in relationship and seek protection to their lives and liberty.

On 15.09.2020, learned counsel for the petitioners sought time to file affidavit of petitioner No.1 as well as mother of petitioner No.2

regarding their status.

In the affidavit filed by petitioner No.1, it is stated that when petitioner No.2 Parveen Rani become major i.e. on 18.03.2021, he will perform marriage with her, as per Hindu rites and at present, she is living with him in live-in relationship.

In the affidavit of mother of petitioner No.2 Soma Rani, it is mentioned that her daughter Parveen Rani is living in live-in relationship with petitioner No.1 Sandeep Singh, who has undertaken and assured that he will perform marriage with her daughter i.e. petitioner No.2 Parveen Rani on 18.03.2021 according to Hindu rites and ceremonies.

Learned State counsel submits that it is prerogative of the Court to pass an appropriate order.

After hearing learned counsel for the parties, I find that though there cannot be a promise to marriage under the provisions of Hindu Marriage Act and this Court cannot acknowledge live-in relationship between a major and a minor, however, considering the fact that mother of petitioner No.2 Parveen Rani (minor) as well as petitioner No.1 has given an undertaking that they will perform marriage of both the petitioners on 18.03.2021, this petition is disposed of with a direction to the Senior Superintendent of Police, Fazilka to look into grievance of the petitioners expressed in the representation (Annexure P-3) and take appropriate action, if any, warranted in the circumstances.

However, it is made clear that in case petitioner No.1 back out of his undertaking given before this Court by not performing marriage with

petitioner No.2 on 18.03.2021, it will be open for petitioner No.2 Parveen Rani, her mother Soma Rani or the police authorities to take legal action against petitioner No.1, in accordance with law.

28.09.2020
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No