

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

228

CRWP-7883-2020

Date of decision: 29.10.2020

Mamta Kaur and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vikas Arora, Advocate for
for the petitioners with the
Petitioners in person.

Mr. H.S. Multani, Asstt. A.G., Punjab
for the respondents No.1 to 3.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner No.1 and petitioner No.2, aged about 18 and 20 years respectively, have approached this Court seeking protection of their life and liberty on the averments that the petitioners performed marriage on 29.09.2020 as per Sikh rites and ceremonies against the wishes of respondents No.4 to 9 and the petitioners are apprehending threat to their life and liberty at their instance.

As per the office report, respondents No.4 to 9 have been served but none has appeared on their behalf.

Vide order dated 01.10.2020, the Coordinate Bench had, while issuing notice of motion, directed respondent No.2-Senior Superintendent of Police, Sangrur to look into the grievances of the petitioners as set out in the petition and also expressed in the representation dated 28.09.2020 (Annexure P-4) and take appropriate action for protection of their life and liberty as may be warranted by the circumstances.

However, no action taken report has been filed by respondent No.2 -Senior Superintendent of Police, Sangrur.

In compliance with order dated 01.10.2020, the petitioners are present through video conferencing. On being questioned by the

Court they have admitted having solemnized marriage and reiterated their prayer for protection as mentioned in the petition.

Learned State Counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

In the present case petitioner No.2 aged about 20 years has claimed to have performed marriage with petitioner No.1 in accordance with Sikh rites and ceremonies although he has not attained the minimum marriagable age of 21 years. In view of the nature of relief sought, the question of validity of marriage of the petitioners is not required to be adjudicated upon in the present case. In any case, under Section 3 of the Prohibition of Child Marriage Act, 2006 marriage performed in breach of provisions thereof and Section 5(iii) of the Hindu Marriage Act, 1955 is voidable and not void. Even otherwise, law validates and recognizes live-in-relationship in the nature of marriage and the petitioners are entitled to protection of their life and liberty in that eventuality also.

In these facts and circumstances the petition is disposed of with the directions to respondent No.2-Senior Superintendent of Police, Sangrur to look into the grievances of the petitioners as set out in the petition and also expressed in the representation dated 28.09.2020 (Annexure P-4) and take appropriate action for protection of their life and liberty as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against petitioner No.2, then nothing in this order shall be construed as a bar for taking of appropriate action by the police authorities against him in respect thereof in accordance with law.

The Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2-Senior Superintendent of Police, Sangrur for requisite compliance.

29.10.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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