

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Writ Petition No. 8499 of 2020

Date of Decision: October 16, 2020

Deepak Kumar and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Chandan Singh Rana, Advocate
for the petitioners**Sudhir Mittal, J. (Oral)**

This petition has been filed for protection of life and liberty of the petitioners at the hands of the private respondents.

Petitioner No. 2 is more than 16 years of age (date of birth is 01.05.2004). She was being ill-treated by her parents and was being forced to marry a boy of their choice and, therefore, she ran away from home and started living with petitioner No. 1. Now, they fear for their lives and liberty at the hands of private respondents.

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

Mr. Amit Mehta, Sr. DAG Punjab, accepts notice on behalf of the respondents No. 1 to 3 and waives service.

Considering the nature of the order being passed there is no necessity to serve the private respondents or to seek a reply from any one of the respondents.

Although petitioner No. 2 is above 16 years of age, she is not a major and sex with a minor even with her consent amounts to rape. Thus, petitioner No. 1 is taking risk by having live-in-relationship with petitioner No. 2. Yet, the

private respondents can not be permitted to act as vigilantes and take law into their own hands.

Thus, the petition is disposed of with a direction to respondent No. 2 to consider representation dated 12.10.2020 (Annexure P-4) and to grant protection in case situation so demands.

This order shall not be construed to be a bar of initiation of the proceedings (civil/criminal in nature) in accordance with law.

October 16, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No