

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

127

**CRWP-10326-2020
Date of decision : 10.12.2020**

Kabir Gill and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepak Arora, Advocate for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioners, claiming themselves to be aged about 21 years and 29 years respectively, have approached this Court seeking protection of their life and liberty on the averments that the petitioners, being major, performed marriage on 07.12.2020 at Shri Laxmi Naryan Mandir, Behrampur Road, Gurdaspur, as per Hindu rites and ceremonies against the wishes of respondents No.5 to 7 and the petitioners are apprehending threat to their life and liberty at their instance.

In support of the averments made in the petition, the petitioners have also enclosed photographs taken at the time of their marriage.

Notice of motion restricted to respondents No.1 to 4 only.

Pursuant to supply of advance copy, Mr. Saurav Khurana, DAG, Punjab has appeared and accepted notice on behalf of respondents No.1 to 4.

Learned counsel for the petitioners states that representation dated 07.12.2020 (Annexure P-5) was made to the Senior Superintendent of Police, Gurdaspur seeking necessary protection but no action has been taken so far in the matter and prays for issuance of direction in this regard.

In the present case petitioner No.1 aged about 20 years and 11 months (date of birth 24.12.1999) has claimed to have performed marriage with petitioner No.2 in accordance with Hindu 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.

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

Without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with the directions to respondent No.2-Senior Superintendent of Police, Gurdaspur to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-5) 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.1, 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.

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, Gurdaspur for requisite compliance.

10.12.2020

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**(ARUN KUMAR TYAGI)
JUDGE**

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