

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

114

**CRWP-10394-2020
Date of decision : 14.12.2020**

Sheetal and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Anisha Rani, Advocate for the petitioners
with the petitioners in person.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioners, claiming themselves to be aged about 18 years and 20 years respectively, have approached this Court seeking protection of their life and liberty on the averments that the petitioners, being major, performed marriage on 09.12.2020 as per Hindu rites and ceremonies against the wishes of respondents No.5 to 6 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 3 only.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondents No.1 to 3.

The petitioners, who are present through video conferencing and duly identified by their counsel, have on being questioned by the Court admitted having solemnized marriage and reiterated their prayer for protection as mentioned in the petition.

Learned counsel for the petitioners states that representation dated 09.12.2020 (Annexure P-4) was made to the Superintendent of Police, Kaithal seeking necessary protection but no

action has been taken so far in the matter and prays for issuance of direction in this regard.

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 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. Suffices it to observe that 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. Law also recognizes live-in-relationship in the nature of marriage for protection of life and liberty of the parties thereto and enforcement of the rights accruing from the same.

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-Superintendent of Police, Kaithal to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (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.

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

14.12.2020

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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