

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRWP-418-2021
Decided on : 15.01.2021

Komal & anr.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Sharma, Advocate
for the petitioners.

Manjari Nehru Kaul, J.

Prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of directions to respondent No.2 to protect the life and liberty of the petitioners, who have married against the wishes of private respondents i.e. respondents No.3 to 5.

2. Learned counsel for the petitioners submits that petitioner No.1 – Komal, aged 18 years and petitioner No.2 –Kunal, aged 20 years, have got married against the wishes of their family members, arrayed as respondents No.3 to 5. It has further been submitted that the private respondents are threatening to interfere in the marital life of the petitioners. Hence, they have approached respondent No.2 by filing representation dated 12.01.2021 (Annexure P-4) seeking protection in that regard and have also approached this Court by way of filing the instant petition. Learned counsel for the petitioners has placed reliance upon the judgment of this Court passed by a Division Bench of this Court in ***LPA No.385 of 2016*** titled as ***Elaichi and another vs. State of Punjab and ors.***, decided on 16.05.2016 and the judgment of Coordinate Bench of this Court in ***CWP No.17069 of 2019***

titled as *Kawaljeet Kaur & anr. vs. State of Punjab and ors.*, decided on 24.06.2019 to submit that even though boy was not of marriageable age, this Court had entertained their petition for protection of their life and liberty.

3. Notice of motion.

4. On the asking of Court, Mr. H.S.Sitta, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 and 2.

5. In view of the above, the petition is disposed off with a direction to respondent No.2- Commissioner of Police, Ludhiana to look into the representation dated 12.01.2021 (Annexure P-4) at the earliest and take necessary steps, if any required, in accordance with law, to ensure that the life and liberty of the petitioners is not jeopardized at the hands of the private respondents. However, this direction will not validate the marriage said to have taken place between the parties and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

15.01.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No