

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

115

CRWP-681-2021 (O&M)
Date of decision: 25.01.2021

Jashanpreet Kaur and anotherPetitioners
Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ferry Sofat, 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.)

CRM-W-83-2021

For the reasons mentioned in the application, the same is allowed and the petitioners are exempted from placing on record marriage certificate.

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The petitioners, claiming themselves to be aged about 21 and 20 years respectively, have approached this Court seeking protection of their life and liberty on the averments that the petitioners performed marriage on 16.01.2021 as per Hindu 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.

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. Rana Harjasdeep,

DAG, Punjab has appeared and accepted notice on behalf of respondents No.1 to 3.

The petitioners, who are present through video conferencing, have on being questioned by the Court 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 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.

In these facts and circumstances the petition is disposed of with the directions to respondent No.2-Senior Superintendent of Police, Mohali to look into the grievances of the petitioners as set out in the petition and also expressed in the representation dated 16.01.2021 (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, Mohali for requisite compliance.

25.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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