

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 1861 of 2021 (O&M)

Date of decision : 24.2.2021

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Rinky Raj and another

.....Petitioners

vs.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

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

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

It is stated that petitioner no.1 – Rinky Raj, aged about 21 years has got married with petitioner No.2 – Vishnu, aged about 20 years, against the wishes of her family members, arrayed as respondents No. 5 & 6, who are threatening to interfere in their marital life, as such to seek protection in that regard, they have approached this Court by way of filing the present petition.

It is further stated that the petitioners had submitted a written representation before respondent No.2 – The Commissioner of Police, Jalandhar, dated 20.2.2021, seeking protection, copy of the same being Annexure P-4, but no action has been taken thereon.

Notice of motion to the respondent - State.

At this stage, Mr. J.S. Ghuman, DAG, Punjab, has accepted notice on behalf of respondents No. 1 to 4.

It is not a valid marriage, since conditions laid down in Section 5 of the Hindu Marriage Act, are not fulfilled in as much as petitioner No.2 is aged less than 21 years.

The petition is dismissed accordingly.

Nevertheless, since it is stated that petitioners had moved a written representation to the police authorities, Copy Annexure P-4, respondent No.2 – the Commissioner of Police, Jalandhar, may look into representation Annexure P-4, assess threat perception to the petitioners and if he finds that some action in the matter is warranted, then the needful be done in accordance with law.

However, this order shall not validate the marriage between the petitioners and shall not have any effect on any civil or criminal action to which the petitioners may be found liable under the law.

24.2.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No