

225

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

CRWP-2812-2021

Date of decision : 17.08.2021

Jyoti and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing respondent Nos.1 to 3 to protect the life and liberty of the petitioners.

It is the case of the petitioners that petitioner No.1 was born on 02.08.2002 and is thus, more than 19 years of age and petitioner No.2 was born on 21.02.2001 and is thus more than 20 years of age but however has not attained the marriageable age of 21 years and have married each other on 15.03.2021, with their free consent and without any pressure and that this is their first marriage. Reliance has been placed upon Aadhaar Cards (Annexures P-1 and P-2 respectively) and the Marriage Certificate (Annexure P-3). It is also stated by the learned counsel for the petitioners that a detailed representation dated 15.03.2021 (Annexure P-4) has also

been given to respondent Nos.2 and 3 with regard to the same.

With respect to petitioner No.2 not being of a marriageable age, learned counsel for the petitioners has relied upon judgment dated 09.08.2021 passed in CRWP-7451-2021 titled **Tamnna and another Vs. State of Punjab and others**, in which case also, petitioner No.2 therein was less than 21 years of age and thus, the Coordinate Bench of this Court had issued directions as sought by the present petitioners in the present case.

Today, Mr. Saurav Khurana, DAG, Punjab, on a specific query raised by this Court, has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, looks into the representation dated 15.03.2021 (Annexure P-4) and takes appropriate action in accordance with law.

After considering the abovesaid facts and without commenting upon the legality of the marriage and expressing any opinion on merits of the case, the present Criminal Writ Petition is disposed of with direction to respondent No.2 to look into the representation dated 15.03.2021 (Annexure P-4) and after considering the threat perception to the petitioners, respondent No.2 will take appropriate action in accordance with law.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any case.

17.08.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No