

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.115

CRWP-3642-2021

Date of Decision:15.04.2021

MANJOT KAUR AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Rahul Kumar Adia, Advocate,
for the petitioners.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed by the petitioners to seek protection to lives and personal liberty, as they apprehend danger at the instance of private respondents No.5 to 7, who are the parents and brother of petitioner No.1, on account of marriage having performed by them on 12.04.2021.

In the petition, it is averred that petitioner No.1 is major, as her date of birth is 23.06.2000 and petitioner No.2 is aged 20 and a half years, as his date of birth is 12.10.2000. As such, petitioner No.2 is not of marriageable age. In the petition, reliance has been placed upon judgment dated 16.05.2016 passed by this Court in LPA-385-2016 titled as '*Elaichi and another Vs. State of Punjab and others*', wherein it was held that “***the parties of marriage even if minor, would still have a right to accompany a person of their choice***” and judgment passed in CWP-29048-2019, wherein it was held that “***the person who are less than marriage age, are entitled to grant the protection to them for their life and liberty***”. Even, reliance has been placed on various other judgments on the same issue.

In the petition, it is further averred that the marriage has been performed between the petitioners on 12.04.2021. Now, they have threat to their lives and personal liberty at the instance of private respondents No.5 to 7, as this marriage is not acceptable to them. Relating to the threat, the petitioners have also filed representations dated 08.04.2021 (Annexure P-4) and 12.04.2021 (Annexure P-5), upon which no order has been passed.

Notice of motion.

Mr. Dhruv Dyal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of official respondents No.1 to 4 and Mr. R.D. Rattewal, Advocate, accepts notice on behalf of private respondents No.5 to 7, who are the parents and brother of petitioner No.1. The brother is stated to be minor.

Power of Attorney filed by Mr. R.D. Rattewal, Advocate, on behalf of private respondents No.5 to 7 is taken on record.

Learned State Counsel has given assurance regarding initiation of appropriate action on the aforesaid representations dated 08.04.2021 (Annexure P-4) and 12.04.2021 (Annexure P-5). Even, learned counsel for private respondents No.5 to 7, who are the parents and allegedly the minor brother of petitioner No.1, has also given an assurance at the behest of the said respondents, that they shall not extend any kind of threat to the petitioners, on account of their matrimonial alliance.

In view of the assurance so given, present petition is disposed of with the direction to respondent No.2 to look into the matter and also to consider the representations dated 08.04.2021 (Annexure P-4) and 12.04.2021 (Annexure P-5), and to redress the grievance of the petitioners

in view of the contents of the said representations, in accordance with law,

within a period of four weeks from today onwards. While considering the representations, an opportunity of hearing may also be given to respondents No.5 to 7, who are family members of petitioner No.1.

However, these observations are circumscribed, only for the purposes of disposal of the present petition, without prejudice to the rights of the parties, to be adjudicated in any civil or criminal proceedings, qua their age, factum of marriage and the validity thereof

(ARCHANA PURI)
JUDGE

15.04.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No