

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

113

**CRWP-4822-2021
Date of decision : 28.05.2021**

Suchint Kaur Viridi and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gagandeep Singh Simble, Advocate
for the petitioners (with petitioners in person).

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners, both claiming themselves to be aged about 21 years, have approached this Court seeking protection of their life and liberty on the averments that the petitioners, being major, performed marriage on 20.05.2021 at Shri Guru Nanak Gurdwara Opp. Bhaian Di Hatti, G.T. Road, Simble, Batala, as per Sikh rites and ceremonies against the wishes of respondents No.4 to 6 and the petitioners are apprehending threat to their life and liberty at their instance.

Notice of motion restricted to respondents No.1 to 3 only.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. A.G., Punjab has appeared and accepted notice on behalf of respondents No.1 to 3.

At this stage, Mr. Prabhjot Singh Bedi, Advocate has put in appearance on behalf of respondents No.4 to 6 and filed copy of his power of attorney through e-mail print out of which is taken on record. Original power of attorney be filed in the Registry of this Court.

The petitioners, who are present through WhatsApp video call, have on being questioned by the Court admitted having solemnized marriage and reiterated their prayer for protection as mentioned in the petition.

Learned Counsel for respondents No.4 to 6 has submitted

that petitioner No.2 is less than 21 years old.

In the present case date of birth of petitioner No.2 is not mentioned. In his Aadhar Card only year of birth 2000 is mentioned. Even if petitioner No.2, who has claimed to have performed marriage with petitioner No.1 in accordance with Hindu rites and ceremonies, is assumed not to have attained the minimum marriageable age of 21 years even then 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. Suffices it to observe that 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. Law also recognizes live-in-relationship in the nature of marriage for protection of life and liberty of the parties thereto and enforcement of the rights accruing from the same.

Learned Counsel for respondents No.4 to 6 has also requested that respondents No.4 and 5-parents of petitioner No.1 may be allowed to talk with or meet petitioner No.1.

However, petitioner No.1 has refused to talk with or meet her parents-respondents No.4 and 5 and submitted that she had already talked to her mother-respondent No.5.

Learned Counsel for the petitioners states that a representation dated 22.05.2021 (Annexure P-4) was made to the Commissioner of Police, Jalandhar seeking necessary protection but no action has been taken so far in the matter and prays for issuance of direction in this regard.

Learned State Counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

Without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with the directions to respondent No.2-Commissioner of Police, Jalandhar to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (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- Commissioner of Police, Jalandhar for requisite compliance.

28.05.2021

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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