

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

CRWP No.5194 of 2021 (O&M)

Date of Decision: June 09, 2021

Reena and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Sukhveer Kaur, Advocate,
for the petitioners.

ARCHANA PURI, J.

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

Through the present petition, the petitioners have made a prayer for seeking protection, as threat is extended to them, at the behest of private respondents No.4 to 6, as both the petitioners have solemnized marriage against their wishes.

Notice of motion.

Ms.Samina Dhir, DAG, Punjab, accepts notice on behalf of official respondents.

In the petition, it is averred that date of birth of petitioner No.1 is 23.03.1999 and date of birth of petitioner No.2 is 15.08.2002. Hence, both the petitioners are major. They are in love with each other since long

time. However, the relationship between the petitioners is not acceptable to

the family members of petitioners No.1 and they also wanted to perform marriage of petitioner No.1 with another boy, which was not acceptable to petitioner No.1. Under constrained circumstances, both the petitioners have solemnized marriage on 01.06.2021, as per their rites and rituals at Gurdaspur. After marriage, petitioners had informed parents and other relatives of petitioner No.1, about the solemnization of marriage but however, they had extended threats to kill the petitioners. Relating to the threats, being extended by family of petitioner No.1, representation dated 01.06.2021 was made by the respondents, copy whereof, is annexed as Annexure P-4 but no action has been initiated upon the same.

On the other hand, learned State counsel has submitted that petitioner No.2-Sukhwinder Singh @ Raja is though major but he is not of marriageable age. As such, it is submitted that no protection can be extended to the petitioners. However, learned State counsel has given assurance that if so directed, appropriate action on the representation (Annexure P-4) can be taken.

Very true, as so pointed out by learned State counsel that petitioner No.2-Sukhwinder Singh @ Raja, whose date of birth is 15.08.2002, is though major, but not of marriageable age, but however, the controversy that needs adjudication now is whether appropriate writ/direction or order is warranted to allay the apprehensions of the petitioners for granting protection to them for enforcement of their fundamental rights under Article 21 of the Constitution of India. In this regard, suffice to mention that this Court, while relying upon the decision rendered by the Coordinate Bench of this Court in case titled as ***Rajveer***

21.06.2019 and also by relying upon the Division Bench judgment rendered by Delhi High Court, in case titled as *Jitender Kumar Sharma Vs. State and Another, reported as 2001 (7) AD (Delhi) 785*, had considered the similar question in CRWP-3615-2021, decided on 16.04.2021 and reached the conclusion that requisite protection, as such, if deemed fit, can be provided, even though, petitioner No.2 is not of marriageable age.

In view of these circumstances and more particularly, in view of the assurance given by learned State counsel to pass appropriate orders relating to the representation, so made, copy whereof is at Annexure P-4, the present petition is hereby disposed of with the direction to official respondents No.2 and 3 to redress the grievance of the petitioners, in view of the contents of the representation (Annexure P-4) and to initiate action upon the same, in accordance with law, if so required.

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

June 09, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No