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

CRWP-8654-2021

Date of decision : 10.09.2021

Kamaljit Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

The present Criminal Writ Petition has been filed under Articles 226/227 of the Constitution of India for directing respondent Nos.1 to 3 to protect the life and liberty of the petitioners.

Learned counsel for the petitioners has submitted that both the petitioners are major inasmuch as petitioner No.1 was born on 17.12.1990 and petitioner No.2 was born on 06.02.1992, and have married each other on 30.08.2021, with their free consent and without any pressure. He has further submitted that petitioner No.1-Kamaljit Kaur was earlier married to one Harpreet Singh and vide judgment dated 04.05.2021 passed by the Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, she has been granted divorce under Section 13-B of the Hindu Marriage Act, 1955 and it is after the said divorce, the present marriage has taken place. He has placed reliance upon Aadhaar Cards (Annexures P-1 and P-2 respectively), Copy of

judgment dated 04.05.2021 (Annexure P-3), the Marriage Certificate (Annexure P-4) and Photographs (Annexure P-5). It is also stated by the learned counsel for the petitioners that a detailed representation dated 06.09.2021 (Annexure P-6) has also been given to respondent No.2 with regard to the same.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. C.L. Pawar, Sr. DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, looks into the representation dated 06.09.2021 (Annexure P-6) 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 06.09.2021 (Annexure P-6) 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 other case.

10.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No