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

CRWP-8976-2021

Date of decision : 20.09.2021

Narinder Kumar Rakshit and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shiv C. Bhola, Advocate for the petitioners.

(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 they both are major inasmuch as petitioner No.1 was born on 26.07.1978 as is apparent from his Aadhaar Card (Annexure P-1) and petitioner No.2 was born on 09.01.2000 as is apparent from her Aadhaar Card (Annexure P-2), and have married each other on 15.09.2021, with their free consent and without any pressure. Reliance has been placed upon 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 15.09.2021 (Annexure P-7)

has also been given to respondent No.2 with regard to the same.

Learned counsel for the petitioners has further submitted that although petitioner No.1 was earlier married to one Parveen Kumari but however, he has been granted divorce prior to the present marriage vide judgment dated 07.03.2018 passed by the Division Bench of this Court.

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

On advance notice, Mr. V.G. Jauhar, 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-Commissioner of Police, looks into the representation dated 15.09.2021 (Annexure P-7) 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 15.09.2021 (Annexure P-7) 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.

20.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No