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

CRWP-9146-2021

Date of decision : 23.09.2021

Happy and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Arora, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing respondent Nos.2 and 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 01.01.1983 and petitioner No.2 was born on 01.01.1996, and have married each other on 20.09.2021, with their free consent and without any pressure. It is further stated that petitioner No.1 is already married and this is his second marriage and as per their religion, the second marriage is valid. Reliance has been placed upon Aadhaar Cards (Annexures P-1 and P-2) and the *Nikahnama*/Marriage Certificate (Annexure P-3). It is also stated by the learned counsel for the petitioners that a detailed representation dated

20.09.2021 (Annexure P-4) 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. Ramdeep Partap Singh, 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 20.09.2021 (Annexure P-4) 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 20.09.2021 (Annexure P-4) 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.

23.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No