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

CRWP-10122-2021  
Date of decision : 22.10.2021

Simran and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Yashpal Thakur, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

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**VIKAS BAHL, J. (ORAL)**

Prayer in the present Criminal Writ Petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners.

Learned counsel for the petitioners has submitted that petitioner No.1-Simran is more than 18 years of age as her date of birth is 08.09.2002 which is apparent from Aadhaar Card (Annexure P-1) and petitioner No.2-Gautam is more than 19 years of age as his date of birth is 12.09.2002 which is apparent from Aadhaar Card (Annexure P-2). Although, petitioner No.2 is major but is not of marriageable age. Both the petitioners have married on

18.10.2021 which is apparent from Marriage Photographs (Annexure P-3), as per their free Will and without any coercion. It has further been stated that the petitioners have also given a detailed representation dated 18.10.2021 (Annexure P-4) to respondent Nos.2 and 3 with regard to the same.

On a pointed query put by this Court to the learned counsel for the petitioners that although petitioner No.2 is major but is not of marriageable age and as to whether in such circumstances, the petitioners are entitled to seek the relief of protection of their life and liberty, learned counsel for the petitioners has relied upon the judgment passed by the Coordinate Bench of this Court in **CRWP-4762-2021** titled **Pooja and another Vs. State of Haryana and others, decided on 25.05.2021**, to submit that petitioner No.2, in that case also, was although major but not of marriageable age and yet the petition was entertained. Relevant portion of the said judgment dated 25.05.2021 passed by the Coordinate Bench is reproduced hereinbelow:-

*“Pooja daughter of Hanuman (petitioner No.1) claims to be 20 years and Sukhwinder Singh son of Kaval Singh (petitioner No.2) claims to be 20 years of age. They have pleaded that they have married against the wishes of respondents No.4 to 6 and seek protection to their life and liberty. They apprehend danger from respondents No.4 to 6. They have placed on record marriage certificate, Annexure P-3 claiming that they married on 19.05.2021. The petitioners have submitted a representation, Annexure P-4 to respondent No.2-Senior Superintendent of Police, Sirsa.*

*Learned counsel for the petitioners has relied upon the judgment of this Court passed by a Division Bench in LPA*

*No.385 of 2016 titled as Elaichi and another Vs. State of Punjab and others, decided on 16.05.2016 and a judgment of Co-ordinate Bench of this Court passed in CWP No.17069 of 2019 titled as Kawaljeet Kaur and another Vs. State of Punjab and others, decided on 24.06.2019 to submit that even though boy was not of marriageable age, this Court had entertained their petitions for protection of their life and liberty.*

*Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the petition with directions to respondent No.2 to decide the representation of the petitioners, Annexure P-4 and grant them protection, if any threat to their life and liberty is perceived.*

*It is clarified that this order shall not be treated as a stamp of this Court for the marriage of the petitioners.”*

Further, reliance has also been placed upon the judgment dated 24.06.2019 passed in CWP-17069-2019 titled **Kawaljeet Kaur and another Versus State of Punjab and others**, and also on the judgment dated 16.05.2016 passed by the Division Bench of this Court in LPA-385-2016, titled **Elaichi and another Versus State of Punjab and others**.

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

On advance notice, Mr. Saurav Khurana, 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 18.10.2021 (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 18.10.2021 (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 case.

**22.10.2021**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**