

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

135

CRWP-12185-2021

Date of Decision: 23.12.2021

Priya & another ...Petitioners

Versus

State of Haryana & others ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K.Tripathi, Advocate, for the petitioners.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner No.1-Priya, aged about 20 years, and petitioner No.2-Jaypal Yadav, aged about 19 years, have approached this Court seeking issuance of directions to be issued to the officials respondents so as to protect their lives and liberty at the hands of private respondents, as the petitioners have solemnized marriage against the wishes of their families.
2. Notice of motion.
3. On asking of the Court, Ms. Sheenu Sura, DAG, Haryana, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
4. I have heard the learned counsel for the petitioners as well as learned State counsel.
5. This Court finds that while petitioner No.1-Priya is of marriagable age being 20 years, but petitioner No.2-Jaypal Yadav, who is aged

above 19 years, cannot be said to be of marriageable age being less than 21 years and being a male. However, their marriage is stated to have been solemnized on 23.11.2021 at 'The Arya Samaj Mandir Trust Regd.' Run by – Arya Samaj Mandir Vivah bandhan Kendra Trust, NH-8, Near Bikaner Sweets, Jaildar Market, Hans Enclave, Gurgaon. A copy of the certificate of marriage has been annexed as Annexure P-1.

6. Since learned counsel for the petitioners has submitted that private respondents have been issuing threats to cause harm to them forcing the petitioners to run from one place to another and that despite a representation dated 24.11.2021 (Annexure P-5) having been sent to respondent No.2-The Commissioner of Police, Gurugram in this regard, the needful has not been done, therefore, a direction is issued to respondent No.2-The Commissioner of Police, Gurugram to get the representation dated 24.11.2021 (Annexure P-5) examined as regards the alleged threat perception of the petitioners. In case, it is found that there is genuine threat to lives and liberty of the petitioners, then necessary steps be taken so as to ensure that they are not harmed in any manner.
7. It is further directed that respondent No.2-The Commissioner of Police, Gurugram shall also examine the matter particularly as regards the solemnization of marriage of the petitioners despite the fact that petitioner No.2-Jaypal Yadav was not of marriageable age, which is in fact against the provisions of Prohibition of Child Marriage Act, 2006 and shall also examine the role of the priest,

who has solemnized the marriage in question. In case, it is found that the marriage has been performed in violation of any provisions, then necessary steps as may be warranted be taken thereupon.

8. A copy of this order along with copy of the representation dated 24.11.2021 (Annexure P-5) be sent to respondent No.2-The Commissioner of Police, Gurugram for necessary compliance.
9. The petition stands disposed of accordingly.

23.12.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**