

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-813-2022

Date of Decision: 31.01.2022

Kajal @ Jatun and another

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rakesh Gupta, Advocate, for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the official respondents No. 1 to 3 to protect the life and liberty of the petitioners from the hand of private respondents No. 4 to 10.

Petitioner No.1-girl is 20 years of age and is therefore of marriageable age, whereas, petitioner No.2-boy is 19 years and is two years short from the marriageable age and they have married against the wishes of their family members. Apprehending threat to their life and liberty, they have filed the present petition for protection. The scope of the present petition is confined only to the grant of protection of life of the petitioners and does not pertain to the validity of marriage, irrespective of the age of any of the parties.

The learned counsel further submitted that the petitioners have submitted a representation dated 22.01.2022 (Annexure P-4) to the Commissioner of

Police, District Ludhiana, but no action has been taken on the same.

Notice of motion to the office of Advocate General, Punjab.

On asking of the Court, Mr. Arun Kumar Kaundal, learned Deputy Advocate General, Punjab, present in the Court, accepts notice on behalf of the State. Copy supplied.

Since the petitioner No.2 is a boy of the age of 19 years which is less than the permissible age of marriage, the scope of the present petition pertains only to the protection of the lives of the petitioners and does not reflect anything on the validity of the marriage, it is directed that respondent No.2 shall look into the representation of the petitioners Annexure P-4 and in case there is a threat to the petitioners, then he shall ensure the protection of life of the petitioners if so required and in accordance with law.

It is further made clear that this order would not create an embargo upon the police authorities or any other person to take any action against petitioner No.2 which is otherwise permissible in accordance with law including the provisions of Child Marriage restraint Act.

The present petition stands disposed of.

31.01.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No