

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9600-2022
Reserved on: 16.03.2022
Pronounced on: 21.03.2022

Kajal Bhimgaj now Kajal Garg and another

...Petitioner

Versus

State of Chhatisgarh & others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

ANOOP CHITKARA, J.

Apprehending their arrest by Chhattisgarh police in a case FIR no. 543, dated 29.12.2021, registered in Police Station Pulgaon, District Durg, Chhattisgarh, under section 363 IPC, instead of filing a bail application in Chhattisgarh or seeking transitory bail, the petitioners have come up before this Court under Section 482 CrPC to restrain respondent nos.1 to 5 from taking the first petitioner to Chhattisgarh.

The first petitioner is the wife of the second petitioner. Although both individuals have filed the petition, the first petitioner primarily seeks relief. The line of argument used by the petitioners to support their submissions is that the first petitioner solemnized her marriage with the second petitioner on 26.12.2021, after attaining majority on 29th July 2021; her date of birth being 29.07.2003. Since she had already attained majority when FIR got registered, no offence is made out, and Chhattisgarh Police cannot legally take her with them. Furthermore, she has attained the majority and can decide on her own as to whom to live with and marry. On the contrary, a perusal of FIR, Annexure P-9, reveals that the brother of the first petitioner based on matriculation certificate had mentioned her age to be 16 years and five months as on 29.12.2021. Thus, the date of birth itself is debatable. Be that as it may, this Court's jurisdiction extends only to the territories for which this High Court is established, and not an inch beyond that. Thus, the Court lacks jurisdiction to adjudicate this petition.

Consequently, the petition is dismissed as not maintainable in this Court. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 21, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.