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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-3772-2022
Date of decision : 25.04.2022

Isha Rani and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. N.R. Komal Kamboj, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

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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.

It is the case of the petitioners that they both are major inasmuch as petitioner No.1 was born on 24.11.2003 and petitioner No.2 was born on 09.12.2000, and have married each other on 19.04.2022, with their free consent and without any pressure. Reliance has been placed upon Aadhaar Cards (Annexures P-1 and P-2), the Marriage Certificate (Annexure P-3) and Photographs (Annexure P-4). It is also stated by the learned counsel for the petitioners that a detailed representation dated 21.04.2022 (Annexure P-5) has also been given to respondent No.2 with regard to the same.

Learned counsel for the petitioners has further submitted that

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although petitioner No.2 was earlier married to one Amandeep Kaur but however, he has been granted divorce prior to the present marriage. Reference in this regard has been made to judgment and decree dated 01.04.2022 (Annexure P-7) which has been passed in a petition filed under Section 13-B of the Hindu Marriage Act, 1955.

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

On advance notice, Mr. Sarabjit S. Cheema, AAG, 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 21.04.2022 (Annexure P-5) 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 21.04.2022 (Annexure P-5) 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.

25.04.2022 **(VIKAS BAHL)**
Pawan **JUDGE**

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

Whether reportable:- **Yes/No**

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