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

CRWP-5341-2022

Date of decision : 01.06.2022

Nisha Kumari and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Simranjit Singh, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

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 21.09.2003 and petitioner No.2 was born on 18.03.2000 as is apparent from Aadhaar Card (Annexure P-2), and have married each other on 20.05.2022 as is apparent from Marriage Certificate (Annexure P-3) and Photographs (Annexure P-4), with their free consent and without any pressure and that this is their first marriage. It is further submitted that actual date of birth of petitioner No.1 is 21.09.2003 but in the Aadhaar Card (Annexure P-1), it has been mentioned as 01.01.2003. It is further contended that from the perusal of the Certificate issued by the Bihar

School Examination Board, Patna, it is apparent that date of birth of petitioner No.1 is 21.09.2003, a copy of the same has been handed over today in the Court by the learned counsel for the petitioners which is taken on record as Mark "A". It is also stated by the learned counsel for the petitioners that a detailed representation dated 23.05.2022 (Annexure P-5) has also been given to respondent No.2 with regard to the same.

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 23.05.2022 (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 23.05.2022 (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 criminal case.

01.06.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No