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

CRWP-6258-2022

Date of decision : 29.06.2022

Prink Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Arvind Kashyap, Advocate for respondent No.5.

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 03.04.2004 and petitioner No.2 was born on 13.05.1994, and have married each other on 24.06.2022, with their free consent and without any pressure and that this is their first marriage. 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 24.06.2022 (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 and 5 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 24.06.2022 (Annexure P-5) and takes appropriate action in accordance with law.

Mr. Arvind Kashyap, Advocate has put in appearance on behalf of respondent No.5 i.e. mother of petitioner No.1 and has submitted that petitioner No.1 is related to petitioner No.2 inasmuch as petitioner No.2 is the son of the sister of grandmother of petitioner No.1 and thus, as per Section 5(iv) read with Section 11 of the Hindu Marriage Act, 1955, marriage between the petitioners is void.

Learned counsel for the petitioners in rebuttal to the abovesaid argument has submitted that even provisions of Section 5(iv) of the Hindu Marriage Act, 1955 specifically state that said marriage is saved in case of custom or usage and it is submitted that as per custom/usage prevailing in the family of the petitioners, such marriage is permissible.

This Court is not giving any final opinion with respect to validity of the marriage and only concern of the Court is to protect the life and liberty of the petitioners as they are apprehending danger to their life from the private respondents.

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 24.06.2022 (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.

29.06.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No