

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRWP-3715-2023 (O&M)
Decided on :20.04.2023

Raji Kaur and another . . . Petitioner(s)
Versus
State of Punjab and others . . . Respondent(s)
CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH
PRESENT: Mr. Arun Kumar Gupta, Advocate for the petitioners.

SANJAY VASHISTH, J. (Oral)

1. Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No. 2 and 3 to provide protection of lives and liberty of the petitioners, who have married against the wishes of private respondents.
2. Order dated 19.04.2023 passed by this Court, says as under:-

“Present: Mr. Arun Kumar Gupta, Advocate
for the petitioners.

Before starting the hearing in the present case, Mr. Sham Lal Saha, Advocate, representing respondent No. 5- Sheela, who is related as mother of petitioner No. 1, appears and points out that as per school leaving certificate, petitioner No. 1 is 16 years of age as her date of birth is recorded as 21.08.2006, whereas, in the petition, she has been projected as of the age of 21 years.

Faced with the situation, learned counsel for the petitioners seeks time to get necessary instructions.

Adjourned o 20.04.2023.”

3. Learned counsel for petitioners submits that petitioner No.1- Raji Kaur, aged about 21 years and petitioner No.2 – Shera Singh, aged

about 24 years, have got married on 16.04.2023 against the wishes of their family members, arrayed as respondents No. 4 to 9. It is first marriage of both the petitioners. It has been further submitted that private respondents are threatening to interfere in the matrimonial life of petitioners. Hence, petitioners are seeking protection in that regard and have approached this Court by way of filing the instant petition. They have also submitted a representation dated 16.04.2023 (Annexure P-5), to respondent No.2 – Senior Superintendent of Police, Amritsar Rural, Punjab, wherein, they have expressed their apprehension.

4. Notice of motion.

5. On advance notice, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondents Nos.1 to 3 (State).

6. Mr. Shamlal Saha, Advocate appears and files his vakalatnama on behalf of respondent No. 5. Same is taken on record. Registry is directed to tag the same at appropriate place.

7. In view of the above, present petition is disposed of with a direction to respondent No.2 –Senior Superintendent of Police, Amritsar Rural, Punjab, to look into the representation dated 16.04.2023 (Annexure P-5), *qua* threat perception and if there is any substance in it, take necessary steps, in accordance with law, to ensure that lives and liberty of the petitioners, is not jeopardized at the hands of the private respondents.

8. Moreover, keeping in view the objection regarding age, raised by respondent No. 5 i.e. mother of petitioner No. 1-Raji Kaur, respondent No. 2 is further directed to hold an enquiry before deciding the representation dated 16.04.2023 (Annexure P-5), for the purpose of the

verification of the age of petitioner No. 1-Raji Kaur, whether she has been forcibly projected as of the age of 21 years or the said fact is correct.

9. However, this direction will not validate the marriage said to have taken place between the parties and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

10. Disposed of.

(SANJAY VASHISTH)
JUDGE

20.04.2023

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