

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRWP-11793-2023 (O&M)
Date of decision: 21.12.2023

PRABHDEEP KAUR AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : None for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e. on 07.12.2023, the following order was passed:-

"1. Through the instant petition, as filed under Article 226 of the Constitution of India, the petitioners have sought issuance of directions upon the respondents No.1 to 3, to ensure protection of their lives and liberty at the hands of private respondents.

2. Though the petitioner No.1 claims herself to be major, however, there is no documentary proof attached with the instant petition in support of her age proof, except her self suffered affidavit.

3. This Court deems it appropriate to, at this stage, issue notice only to the official respondents, so that the age of the petitioner No.1 could be ascertained.

4. Ms. Kanica Sachdeva, A.A.G., Punjab, waives service of notice on behalf of the official respondents.

5. The learned State counsel is directed to verify the age of the petitioner No.1 and to file a specific affidavit in this regard. The said affidavit shall also reveal whether the alleged threat perception to the petitioners genuinely exists or the same is based upon mere assumptions and presumptions.

6. List on 21.12.2023 for awaiting the affidavit.

7. In the meantime, the learned State counsel is directed to ensure that no harm is caused to the petitioners."

2. Learned State counsel on instructions, informs this Court that petitioner No.1 is aged 18 years and 05 days, as her date of birth is 25.11.2005. Therefore, the claim of the petitioner No.1, inasmuch as she being major, is found to be genuine.

3. In view of the above, without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with a direction to respondent no.2 – Senior Superintendent of Police, Moga to look into the representation dated 30.11.2023, (Annexure P/4) *qua* threat perception and if there is any substance in it, to take necessary steps in accordance with law, to ensure that the lives and liberty of the petitioners are not jeopardized at the hands of private respondents.

4. However, this direction will not validate the marriage as claimed by the petitioners and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

5. Petition stands disposed of accordingly.

21.12.2023
amandeep

(KULDEEP TIWARI)
JUDGE

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