



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CRWP-12671-2024
Date of decision: 01.01.2025

PALLAVI AND ANOTHER

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Balwinder Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of directions to the officials respondents No.2 and 3 for providing protection of lives and liberty to the petitioners at the behest of respondents No. 4 and 5.

2. Learned counsel appearing on behalf of the petitioners has contended that the petitioner No.1 being minor is represented through her next friend i.e petitioner No.2-Gurakshdeep Singh. The father/respondent No.4 and mother/respondent No.5 had beaten and pressurized the petitioner No.1 to marry with a man, who is more than 8/9 years older than her. However, the petitioner No.1 did not want to marry the said man. On 09.11.2024, the private respondents No.4 and 5 again badly beat the petitioner No.1 and threw her out of home and also made her video. The petitioner No.1 stayed here and there in order to save

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her life. The petitioner No.1 also sent a representation to respondent No.2-Senior Superintendent of Police, Jalandhar to protect her life and liberty and also to take legal action upon respondents No.4 and 5.

3. Reference can be made to certain orders/judgements of this Court passed in CRWP-2238-2021 titled as *Priyanka & Another Vs. State of Haryana & Ors* decided on 05.03.2021, wherein the minor who was in a live-in-relationship was extended an indulgence; a similar order had been passed in CRWP-6660-2020 titled as *Jyoti Vs. State of Haryana & Ors* decided on 01.09.2020; CRWP-3990-2020 titled as *Roopa Vs. State of Haryana & Ors* decided on 22.06.2020; CRWP-1525-2020 titled as *Sarabjeet Kaur & Another Vs. State of Punjab & Ors* decided on 12.02.2020. A reference can also be made to the judgement of this Court reported as 2019(4) RCR (Civil) 183 titled as *Jashanpreet Kaur & Another Vs. State of Punjab & Ors*. The Co-ordinate Bench of this Court has also decided the similar issue in ***CRWP-11640-2024*** vide order dated 09.12.2024 titled as ***“Prabhsimran Kaur and another versus State of Punjab and others”***.

4. The gist of the aforesaid orders/judgements was to the effect that merely because the petitioners are not of marriageable age, it would not deprive them of their fundamental right to seek protection of their lives and liberties. The Court examined the issue in the context of the Hindu Marriage Act, 1955 and held that merely because the petitioners are not of the marriageable age and the marriage performed, if any, would be hit by Section 5(iii) of the Hindu Marriage Act 1955, the same being only a civil consequence qua the validity of the marriage, their rights under Article 21 of the Constitution of India cannot be

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denied as they stand on a much higher pedestal. Life and liberty of the persons is sacrosanct being integral to their being, it ought to be protected regardless of solemnization of invalid or void marriage or even in the absence of any marriage amongst the parties. In all the said matters, the respective SSPs/SPs were directed to verify the threat perception and to take necessary steps to provide protection to the life and liberty of the petitioners, if deemed fit and necessary.

5. I have heard learned counsel for the parties and have gone through the documents appended by them with the petition. Learned counsel for the petitioner further submits that the dispute in present case would be covered by the judgment of this Court decided on **28.03.2022** in **CRWP No. 2139-2022 (O&M) titled as P.....Minor through Vikram Versus State of Haryana and others**” and that he would be satisfied if the present petition is disposed of in terms of the said judgment.

6. The said prayer is not objected by the learned counsel appearing on behalf of State of Punjab.

7. The present petition is thus disposed of in terms of the judgment passed in **CRWP No. 2139-2022 (O&M) titled as “P.....Minor through Vikram Versus State of Haryana and others”** with the consent of both the parties.

The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 01, 2025
VISHAL SHARMA

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No