
(2024) 06 P&H CK 1563
In the Punjab And Haryana At Chandigarh
Case No : CRWP Of 5351 Of 2024

Mohini And Anr

APPELLANT

Vs

State Of Punjab And Ors

RESPONDENT

Date of Decision : 05-06-2024

Acts Referred:

Constitution Of India, 1950 — Article 226
Code of Criminal Procedure, 1973 — Section 164

Citation : (2024) 06 P&H CK 1563

Hon'ble Judges : Harpreet Kaur Jeewan, J

Bench : Single Bench

Advocate : Vini Mahajan

Final Decision : Disposed Of

Judgement

Harpreet Kaur Jeewan, J

[1] The prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of writ in the nature of mandamus directing respondents No. 1 to 3 to provide adequate protection to the life and liberty of the petitioners from the hands of private respondents No.4 to 6, who have allegedly solemnized marriage on 30.05.2024 as per marriage certificate and photographs (Annexures P-3 and P-4).

[2] Learned counsel for the petitioners INTER ALIA contends that the petitioner No.1 is 18 years of age and her date of birth is 18.06.2005 whereas petitioner No.2 is 27 years of age and his date of birth is 01.01.1997.

[3] Notice of motion to official respondents.

[4] On the asking of the Court, Mr. Kuljit Singh, Addl. A.G., Punjab, who is present in the Court accepts notice on behalf of the official respondents.

[5] Though it has been mentioned that petitioner No.1 is 18 years of age, however as per Aadhar Card of petitioner No.1(Annexure P-1), her date of birth

is recorded as 18.06.2005 which reflects that she is less than 18 years of age even today and even on the date of the alleged marriage.

[6] In such circumstances, respondent No.3-Station House Officer, Bishanpura, Zirakpur, SAS Nagar, Mohali is directed to ensure the appearance of petitioner No.1 before the Area Magistrate immediately. The Area/Duty Magistrate shall record the statement of petitioner No.1 under Section 164 Cr.P.C. and verify about the date of birth of petitioner No.1. In case the petitioner No.1 is found minor, then appropriate order be passed for sending the petitioner No.1 to Protection Home.

[7] The official respondents shall also ensure to protect life and liberty of petitioner No.2 if any threat perception is found.

[8] The present petition is disposed of accordingly.

[9] However there is no observation regarding legality or illegality of the alleged marriage INTER SE the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.