

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-5727 of 2015(O&M)
Decided on : 19-03-2015

Madhubala and another

....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. D.S.Nain, Advocate for the petitioners.

Mr. P.S.Chauhan, Addl. AG, Haryana

Mr. Inderjit Sharma, Advocate for respondents

MAHESH GROVER, J

Pursuant to the orders of this Court dated 20.2.2015 the respondents have filed a status report to indicate that the petitioner no.1 is a minor. Her date of birth is 15.2.1999.

A Division Bench of Delhi High Court in the case titled as *Neetu Singh vs. State, reported as 1999 (1) PLR (Delhi) 47* observed that even a minor girl cannot be kept in protective homes against her wishes and the marriage of a minor girl is neither void nor voidable but can attract punishment under Section 18 (5) of Hindu Marriage Act. Likewise a Division Bench of Allahabad High Court in *Smt. Raj Kumari versus Superintendent, Women Protection House, Meerut and others, 1998 Crl, L.J. 654* observed similarly to say that a minor girl cannot be detained against her wishes.

In view of this, the petition is disposed of with a direction to

respondent no.2 to look into the allegations as contained in the petition personally and take necessary steps in accordance with law if the situation so warrants.

This order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed as the Court is clearly deprived of any means to determine the aforesaid facts.

Copy of the petition along with a copy of this order be sent to respondent no.2.

March 19, 2015
rekha

(Mahesh Grover)
Judge