

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-12506 of 2017 (O/M)
Date of decision : 12.7.2017

Ankita and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioners in person with Mr. Amit Gupta, Advocate.
Mr. R.K. Makkad, Deputy Advocate General, Haryana.
Mr. Naveen Jaglan, Advocate, for,
Mr. S.S. Nara, Advocate, for respondents No. 4 and 5.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

It is stated that the date of birth of petitioner 20.1.2000. She was 17 years and 2 months of age at the time of filing of the petition. The date of birth of petitioner No. 2 is 26.11.1996 and he was 20 years and 5 months of age at the time of filing the petition. It is stated that both the petitioners have married on 9.4.2017 as per the Hindu Rites and Ceremonies at Shiv Mandir, Sector-4, Panchkula. The photographs of the marriage ceremony are enclosed. The family of petitioner No. 2 has accepted petitioner No. 1 as their daughter in law, but the relatives and family of petitioner No. 1 are not accepting the marriage and threatening them. Therefore, the prayer is for protection to their life and liberty.

Notice of motion was issued to respondents. Respondents No. 4 and 5, who are father and mother of petitioner No. 1, have put in appearance. It is stated on their behalf that petitioner No. 1 was minor as on the date of

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marriage and that they have already filed a petition for sending petitioner No. 1 to Nari Niketan. Request has been made for declining the protection to both the petitioners.

I have heard the learned counsels for both the parties and have also carefully gone through the file.

It comes out that the petitioners have married against the wishes of their parents. Admittedly, petitioner No. 1 was 17 years and 2 months at the time of marriage. At the time of passing of the order, her age is approximately about 17 years and 6 months and she is on the threshold of attaining majority. I am of the considered view that even marriage with a minor is voidable at the option of minor and it is not a void or illegal marriage. This Court is not to go into the validity of the marriage to provide protection. The fact that the parents of petitioner No. 1 are contesting the case goes to show that they are not happy with the marriage. Therefore, the apprehension of the petitioners is genuine. Therefore, without going into the validity of the marriage, the petition is disposed of with a direction to Superintendent of Police, Ambala, District Ambala, to assess the threat perception to the life and liberty of the petitioners and provide necessary protection to their life and liberty as he deems fit in the given circumstances.

(KULDIP SINGH)
JUDGE

12.7.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No