

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15893 of 2017 (O&M)

Date of decision : May 05, 2017

Chaya Tanwar and another

... Petitioners

VERSUS

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Petitioners in person with
Mr. Johan Kumar, Advocate.

Mr. Robert Kanwar, Advocate
for respondent no.5.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the petitioners submits that both the petitioners are major and have contracted marriage against the wishes of parents of petitioner no.1 who are respondents no.5 and 6. Respondent no.7 Mahesh is uncle of petitioner no.1. The private respondents are not happy with their marriage and are posing threats to the life and liberty of petitioners.

Respondent no.5 Subhash Singh Tanwar is present with Mr. Robert Kanwar, Advocate and Mr. Kanwar Ashwani Kumar, Advocate and submit that petitioner no.1 is still not of marriageable age as per her school identity card and mark list of 9th class, photocopy of which have been produced on record. They have also produced on record copy of the adhar card of petitioner no.1 where her date of birth is mentioned as 20.4.2000.

Countering the submissions of learned counsel for respondent no.5, learned counsel for petitioner submits that as per adhar card, copy of which has been placed on record as Annexure P-1, the date of birth of petitioner no.1 is 20.4.1999. He has also produced on record birth certificate issued by the Registrar of Births and Deaths, Ghaziabad wherein date of birth of petitioner no.1 is mentioned as 20.4.1999. Learned counsel for respondent no.5 has no document to rebut the entry in the date of birth of petitioner no.1. He has , however, given an undertaking, after taking instructions from respondent no.5 that private respondents or any of their

relative will not interfere in the life and liberty of petitioners or pose any

danger or threat to them. It is, however, stated that an FIR under Section 366/363 of IPC was got registered by respondent no.5 for the elopement of petitioner no.1 at Police Station Eco Tech, Gautum Budh Nagar.

In view of the facts and circumstances discussed above, this petition is allowed and Commissioner of Police, Faridabad (addressed to Superintendent of Police, Faridabad), to look into the representation dated 22.04.2017 (Annexure P-5) and take appropriate action in accordance with law, on receipt of copy of this order along with representation in his office.

However, it is made clear that nothing contained in this order shall be read as an expression of opinion about the validity of marriage of petitioners or provide them any protection in any civil or criminal proceedings instituted against them.

Security Officer of this Court is directed to ensure safety of petitioners and make arrangement for their going to the place at Chandigarh where they like.

May 05, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No