

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15900-2017

Date of Decision: 26.05.2017

Kirna and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gautam Thapar, Advocate,
for the petitioners.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 05.05.2017, Mr. Ashish Bakshi, Advocate, has appeared on behalf of respondents no. 5 to 14 and filed his power of attorney which is taken on record.

Learned counsel for the State has filed in Court today an affidavit of Sh. Deep Kamal, PPS, DSP Sub Division Kharar, stating therein that petitioner no. 1 is more than 18 years of age, as per the local Registrar of Births and Deaths, Nagar Council, Kharar, who has stated that as per her birth certificate she was born on 12.08.1998.

It is further stated in the affidavit that petitioner no. 1 has supplied a copy of customary divorce proceedings before the Panchayat, as regards divorce from her first husband, i.e. Balbir Singh, a copy of which has been placed on record as Annexure P-3 with the affidavit.

Whether such customary divorce is valid, in terms of Section 29 (2) of the Hindu Marriage Act, 1955, or not, is something which is not being looked into by this Court, this being simply a petition seeking protection of life and liberty.

Consequently, this petition is disposed of without making any comment on the validity of the marriage of the petitioners to each other, but with a direction to respondents no. 2 and 3 to continue to ensure that the life and liberty of the petitioners is protected within the four corners of law.

However, it is further made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to either the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, or with regard to their age, this order shall not be construed to be a bar on proceedings initiated as per law.

May 26, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No.