

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18135 of 2017

Date of Decision:02.06.2017

Sunita Rani and another

.....PETITIONERS

Vs.

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms.Ruchi Sekhri, Advocate for the petitioners.

Mr.Rajesh Mehta, Addl. A.G. Punjab.

Mr. Bhupinder Kumar, Advocate for
respondents No. 4 to 6.

Mr.Yashwant Singh Rathee, Addl. Public
Prosecutor U.T. Chandigarh.

AMOL RATTAN SINGH J. (ORAL)

Learned counsel for the petitioners submits that the petitioners even now wish to reside with each other, with petitioner No.1 not willing to go back to her parents. She is stated to be 17 years and 06 months old as of today.

On query to learned counsel for respondents No. 4 to 6, he submits that the said respondents, of whom respondents no. 4 and 5 are the parents of petitioner No.1, would be still satisfied with the marriage, if some 'security amount' is deposited in the name of their daughter, by petitioner no.2.

Upon query to learned counsel for the petitioners, she on query from petitioner no.2 submits that he is willing to deposit Rs. 1,00,000/-, by way of an FDR in the name of petitioner No.1.

It is also stated that both the petitioners belong to the same village, i.e. Kotla, District Jalandhar.

Therefore, since the petitioners and respondents No. 4 and 5 all reside in the same village, obviously the daughter would be under the eye of her parents and as such, this petition can be disposed of with a direction in terms of the statement of petitioner no.2 that he would make a deposit of Rs.1 lac in favour of petitioner no.1, within a period of one month.

Learned State counsel, on instructions from ASI Sham Singh, submits that, as a matter of fact, respondents no. 4 and 6, i.e. the brother of petitioner no.1 had an FIR registered against petitioner no.2, wherein offences punishable under Sections 363/366-A, registered at Police Station Bhogpur, Police District Jalandhar (Rural), are alleged to have been committed.

In view of the fact that both the petitioners even today reiterate that they wish to reside together and to repeat, the mother of petitioner no.1 has stated that she is not against the marriage of the petitioners, if her daughter is furnished some security, and the 2nd petitioner has undertaken to do so as per his statement hereinabove noticed, this petition is disposed of with a direction that since the marriage would not be void *ab-initio*, but only voidable at the instance of each 'minor' when she/he attains marriageable age in terms of Section 5 of the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006, the FIR registered against petitioner No.2, alleging the commission of the aforesaid offences, shall remain in abeyance till the time petitioner no.1 attains majority and ratifies the marriage or repudiates it, after which, if she ratifies the marriage the proceedings would be dropped by due procedure. If, however, she does not ratify the marriage, proceedings, as per law would continue to their logical conclusion.

In view of the aforesaid disposal of this petition, the petitioners are ordered to be released from the Protection Home, Sector 19, Chandigarh,

forthwith.

A copy of this order be given to the learned counsel for the petitioners, as also learned State counsel under signatures of the Special Secretary of this Court.

**(AMOL RATTAN SINGH)
JUDGE**

02.06.2017

Anjal

Whether speaking/reasoned? Yes

Whether reportable? Yes