

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

CRM-M-19550 of 2017

Date of Decision:02.06.2017

**Jagdeep Kaur and another
Vs.**

.....PETITIONERS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

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

Mr. Sukhvinder Singh Chatrath, Advocate for
respondents No. 4 to 6.

AMOL RATTAN SINGH J. (ORAL)

Pursuant to the order dated 26.05.2017, learned State counsel has produced in Court today a copy of a notification issued by Government of Punjab in the Department of Social Security and Development of Women and Children, on 24.08.2007, designating all Sub Divisional Magistrates in the State of Punjab as Child Marriage Prohibition Officers, vesting in them the powers so vested by the Prohibition of Child Marriage Act, 2006. The Child Development and Project Officers of the said department have also been notified to assist the Child Marriage Prohibition Officers concerned.

Learned counsel has put in appearance for respondents No. 4 to 6 and has raised an objection to the effect that petitioner no.2 being below the legally marriageable age for males, the marriage is not valid and therefore, the said respondents object to it.

Having considered the aforesaid arguments, it is to be noticed that as per Section 3 of the Protection of Child Marriage Act, 2006, every child

marriage, whether solemnized before or after the commencement of the said Act, would be voidable at the option of the contracting party who was a child at the time of the marriage, a 'child' having been defined in Section 2(a) of the said Act to mean a person who has not completed the age of 21 years if he is a male, and who has not completed the age of 18 years, if she is a female.

Obviously, petitioner no.2 is a child in terms of the aforesaid provisions, but the marriage cannot be held to be void, only voidable, at the option of petitioner no.2.

Equally obviously, the Court understands the fact that the parents of petitioner No.1 would have an apprehension that the first petitioner being 24 years of age, she may be abandoned and may have to face repudiation of the marriage at the age of 21 by petitioner No.2. However, petitioner no.1 definitely being well above the marriageable age of 18 years for females, nothing further can be said on that aspect.

This petition is consequently disposed of with a direction that offences punishable under the provisions of Prohibition of the Child Marriage Act, 2006, being cognizable offences under Section 15 of the said Act, all proceedings under that Act would continue against all concerned, as per law.

**(AMOL RATTAN SINGH)
JUDGE**

02.06.2017

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No