

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.22148 of 2017 (O&M)

Date of Decision: 16.6.2017

Shanti and another

..Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR.JUSTICE AMOL RATTAN SINGH

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

AMOL RATTAN SINGH, J.

The petitioners, who are present in the Court, are seeking protection of their lives and liberty at the hands of respondents No.5 to 10, who are the maternal uncles of petitioner No.1, on account of the fact that they have married each other of their own free will on 14.6.2017. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

In support of proof of age of the petitioners, copies of the Aadhar Card issued by the unique Identification Authority of India has been annexed with the petition, (the original of which have been produced in Court), showing the date of birth of petitioner No.1 to be 1.1.1998, thus making her more than 19 years and showing the date of birth of petitioner No.2 to be 1.1.1995, thus making him more than 22 years.

On a specific query put to learned counsel for the petitioners, it has been stated that neither are the petitioners in any prohibited relationship to each other, nor has any of them been married earlier. He states that he has

obtained specific instructions from the petitioners in that regard.

Though an Aadhar Card is not firm proof of date of birth of any person since no verification is done by the Unique Identification Authority of India in respect of the date of birth disclosed by the applicant for an Aadhar Card, however, since protection of lives and liberty is a fundamental right of every citizen enshrined in Article 21 of the Constitution of India, this petition is disposed of with a direction to respondents No.2 to 4 to ensure that the lives and liberty of the petitioners are not put to any harm or threat at the hands of the aforesaid respondents or at their behest.

However, it is 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 any proceedings initiated as per law.

It is also further directed that if the age of either of the petitioners is found below the legally marriageable age for males and females respectively, respondents No.2 to 4 are directed to refer the marriage to the Child Marriage Prohibition Officer notified under the Prohibition of Child Marriage Act, 2006, i.e. the Sub Divisional Magistrate of the area concerned, for further proceedings.

16.6.2017
Meenu

(Amol Rattan Singh)
Judge

Whether speaking/reasoned	- Yes/No
Whether Reportable	- Yes/No