

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-2570 of 2017

Date of Decision: March 14, 2017

Aaina and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- None for the petitioners.

Mr. Deepak Garg, AAG, Punjab

Amol Rattan Singh, J. (Oral)

In the petition, the petitioners had sought protection of their lives and liberty at the hands of respondents no.4 to 9, the petitioners having married each other against the wishes of such respondents.

At the time when the notice was issued on 25.01.2017, respondents no.2 and 3, i.e. the Senior Superintendent of Police (Rural), Jalandhar and the Station House Officer, Police Station Goraya, District Jalandhar, had been directed to ensure that the lives of the petitioners are duly protected at the hands of the aforesaid respondents and others.

However, as petitioner no.2 was found to be only 19 years of age, which is below the legally marriageable age for males, it had been also directed that in case any proceedings are initiated against petitioner no.2 under the provisions of the Prohibition of Child Marriage Act, 2006, such proceedings would continue as per law unmindful of the order of this Court, provided the said petitioner is actually found to be less than 21 years of age

on the date of the marriage.

Upon the matter coming up again on 07.03.2017, none had appeared for the petitioners and it had been noticed that even the process fee had not been filed by the petitioners.

Thereafter, the matter having come up on 09.03.2017, a request had been made on behalf of the learned counsel for the petitioners and it was adjourned till today.

Today, again none is present on behalf of the petitioners and there is no change as regards filing of process fee. Hence, obviously, no notice could be issued to the private respondents, the petitioners themselves not having followed up the petition.

Consequently, this petition is dismissed, but with a direction to respondents no.2 and 3 to ensure that the lives of the petitioners are continued to be protected. However, as regards liberty, such liberty obviously shall be protected only in accordance with law and in case any proceedings have been initiated by a competent person and it has been found that any averment made in the petition is incorrect, and petitioner no.2 is actually below 21 years of age, such proceedings shall continue, under the provisions of the Act of 2006, unmindful of the order of this Court dated 25.01.2017.

March 14, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no