

224                    **IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

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**CRM-M-259-2017**

**Date of Decision: July 24, 2017**

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Gurdeep Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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

Mr. Venu Gopal Johar, Senior D.A.G., Punjab.

Ms. Gurdeep Kaur, Advocate,  
for respondents No. 4 to 13.

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**SUDIP AHLUWALIA, J. (ORAL)**

From the earlier order passed on January 13, 2017, it is seen that interim direction to respondent No. 3 was issued to ensure protection of life and liberty of the petitioners which was already granted by a Coordinate Bench of this Court.

Thereafter, respondent No. 4, who happens to be father of petitioner No. 2, has filed his reply, in which it has been alleged that Aadhar Card of petitioner No. 2 (Annexure P-2) is forged and fabricated, and that she is actually a minor. Consequently, F.I.R. No. 8, dated

January 09, 2017, was registered at Police Station Fatehgarh Sahib, against petitioner No. 1, under Sections 364/366-A, I.P.C.

Learned counsel appearing on behalf of the petitioners, however, submits that the aforesaid Aadhar Card was genuine and was, in fact, prepared while petitioner No. 2 was residing in her parental house. He further submits that in the meantime, the said petitioner has given birth to a male child in the third week of May, 2017, on account of which, it is imperative that she be granted all the opportunities to look after the infant, which would not be possible if she is forced to return to her parental house, since admittedly her parents are not favourably inclined towards petitioner No. 1 and her own association with him.

Be that as it may, in its extra ordinary jurisdiction under Section 482 Cr.P.C., the priority before this Court is to ensure protection of the life and liberty of the petitioners. This Court need not go into detailed investigation of intricate factual controversies, like the actual date of birth of any person. At any rate, admittedly the child has born after the ceremony of marriage of petitioner No. 2 with petitioner No. 1. Even if she is under aged, the marriage is not void *ab initio*, but only voidable at her own option upon attaining majority under the provisions of the Hindu Marriage Act, 1955. Furthermore, in its special jurisdiction under Section 482 Cr.P.C., this Court is not authorized to grant any seal of legitimacy to any marital relationship, which essentially is left to the domain of the designated matrimonial Courts. Likewise the question of custody of a minor girl (such as petitioner No. 2) or an infant child is again to be decided by the authorized Guardianship Courts or the regular Criminal Court, which is

seized of the pending investigation arising out of the aforesaid F.I.R. These Courts would automatically in due course dwell upon such questions as and when raised before them.

The present petition is, therefore, disposed off by making interim order passed on January 13, 2017 absolute.

**July 24, 2017**  
Apurva

**(SUDIP AHLUWALIA)**  
**JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No