

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9198-2017

Date of decision: 17.04.2017

Neeru Sain and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Petitioners in person with
Mr. Vikram Singh, Advocate for
Mr. J.P.Jangu, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana assisted by
ASI Dilbagh Singh.

Mr. Anil Kumar Lamdharia, Addl.PP, U.T.Chandigarh.

Jitendra Chauhan, J. (Oral)

The present petition has been filed under Section 482 of the Criminal Procedure Code (in short Cr.P.C.) for issuance of directions to the official respondent Nos.1 to 3 to protect the life and liberty of the petitioners and also not to harass and humiliate at the instance of respondent Nos.4 and 5 as the petitioners are married to each other against wishes of their family members.

On 17.03.2017, the following order was passed:-

“The petitioners, who are present in the court, are seeking protection of their lives and liberty at the hands of respondents No.4 and 5, who are stated to be parents of petitioner no.1, on account of the fact that they have married each other of their own free will,

against the wishes of the said respondents on 14.03.2017. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of the petitioners, their original Aadhar Cards issued by the Unique Identification Authority of India, have been produced in Court, showing the date of birth of petitioner no.1 to be 10.04.2000 and that of petitioner no.2 to be 07.10.1992. As per the said identity cards, obviously petitioner no.1 is below the legally marriageable age of 18 years and has not even turned 17 as yet, with about a month to go.

Without commenting upon the validity of the marriage, notice of motion be issued to the respondents, returnable on 17.04.2017.

In the aforesaid circumstances, the Station House Officer, Police Station Sector-3, Chandigarh, is directed to send adequate police officials including a lady police official to ensure that petitioner no.1 is provided due escort from the Court premises itself and she be sent to the Nari Niketan, Sector-19, Chandigarh, where she will be lodged till the next date of hearing.

A copy of this order be immediately sent to the SHO, Police Station Sector-3, Chandigarh by the Registry and he be also informed telephonically to immediately depute police officials, including a lady police official, to escort the petitioners as aforesaid.

Since protection of life and liberty is a fundamental right of every citizen under Article 21 of the Constitution of India, respondents No.2 and 3 are directed 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.

It is made clear that protection granted by this Court would be limited only to the extent of protection of their lives and any proceedings initiated by a competent person against the petitioners under the provisions of the Prohibition of Child Marriage Act, 2006, petitioner no.1 being below the legally

marriageable age, would continue unmindful of this order."

In pursuance of the order, inquiry was conducted. Learned State counsel on instructions states that on an inquiry made by the concerned Police Officer, the parents of the petitioner No.1 states that they have no objection to the marriage of their daughter to petitioner No.2.

Otherwise also, learned counsel for the petitioners states that petitioner No.1 is residing with the family of petitioner No.2 with her own sweet free will. They have solemnized marriage. He cites '**Neelam Rani and another Vs. State of Haryana and others**', 2011 (1) RCR (Civil) 636, to contend that the petitioner No.1 has reached the age of discretion.

Without expressing any opinion with regard to validity of marriage and on the merits of the assertions made in the petition, the instant petition is disposed of with the direction to respondent No.2- Superintendent of Police Bhiwani, District Bhiwani to take necessary action, if petitioners still feel that there is threat to their life and liberty.

In view of the above, petitioner No.1 is allowed to join company of petitioner No.2. Petitioner No.1 be again lodged to Nari Niketan, Sector-19, Chandigarh and be handed over to petitioner No.2.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

April 17, 2017
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No