

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9279-2017

Date of decision: 17.04.2017

Gurdas and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Hakam Singh, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana assisted by
ASI Dharampal.

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.

On 18.03.2017, 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 the parents of petitioner No.2, on account of the fact that they have married each other of their own free will, against the wishes of the said respondents on 15.03.2017. Photographs of the marriage ceremony have been annexed with the petition.

As regards proof of age of both the petitioners, photocopies of their Aadhar Cards, issued by Unique Identification Authority of India, have been annexed with the petition as Annexures P-1 and P-2 respectively, the originals of which have been produced in Court. As per the said Aadhar Card of petitioner no. 2,

she is above the legally marriageable age. However, as per the Aadhar Card of petitioner no. 1, he is slightly below the legally marriageable age for males (21 years), in terms of the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006.

However, learned counsel for the petitioners submits that the petitioners were earlier in fact engaged to be married to each other but after petitioner no. 1 met with an accident and unfortunately lost his legs, the parents of petitioner no. 2 refused to go through with the marriage.

In the aforesaid circumstances, this Court would not observe anything even with regard to petitioner no. 1 being slightly below the legally marriageable age.

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.

Without making any comment on the validity of the marriage, notice be issued to the respondents, returnable on 17.04.2017.

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.

To be shown in the urgent cause list.”

In pursuance of the above said order, the police officials from Sadar Sirsa visited the residence of the petitioners. The petitioners have expressed their satisfaction and have stated that now they do not require any protection as the marriage of the petitioners who earlier had been engaged to each other, is acceptable to the parents of both the parties.

In view of the report dated 03.04.2017, prepared by SI Satbir

Singh, Police Station Sadar, Sirsa, the present petition has been rendered infructuous.

Disposed of as having become infructuous.

(JITENDRA CHAUHAN)
JUDGE

April 17, 2017
vanita

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