

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP No. 1216 of 2017

DATE OF DECISION :- November 20, 2017

Inzamamul Haq

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

None for respondents no 4 to 7.

Petitioner Inzamamul Haq is present along with his counsel.

Asfina has been brought to this Court by ASI Bhagwat Parshad and lady constable Anita. Asfina again states that she wants to go with petitioner Inzmamul Haq.

Learned counsel for the petitioner has referred to the authority ***Yunus Khan versus State of Haryana and others 2014(3) R.C.R. (Criminal) 518*** by a coordinate Bench of this Court wherein it was observed that a minor Muslim girl who attained age of puberty (15 years) and had voluntarily married a Muslim boy according to Muslim rites against the wishes of her father that was a valid marriage. In that case, the girl was detained in Protection Home but her custody was given to husband. He has further referred to the authority ***Kammu versus State of Haryana and***

others 2010(4) R.C.R. (Civil) 716 by a coordinate Bench of this Court wherein it was observed that when a Muslim minor girl, aged 15 years marries a Muslim boy, that marriage is valid under Muslim Law as per provisions of Muslim Personal Law (Shariat) Application Act, 1937. Further, it was observed that the girl who is now more 15 years of age has the option under the Muslim law to ratify or enter into the contract of marriage afresh.

In this case, Asfina is admittedly aged more than 15 years. Therefore, since private respondents have not turned up to present their version, in view of the facts and circumstances of the case, wishes of alleged detainee Asfina and ratio of the authorities pressed into service, Asfina is ordered to be set at liberty. As per desires expressed by her, she has gone along with the petitioner from the Court. No further action in the matter is called for.

The petition is dismissed as infructuous.

(H.S. MADAAN)
JUDGE

November 20, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No