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

Crl. Misc. No.M-11227 of 2018 (O&M)
Date of Decision: 16.03.2018

Kiranjit Kaur and another …Petitioners

Versus

State of Punjab and others …Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Suresh Kumar Arya, Advocate, for the petitioners.

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Amol Rattan Singh, J. (Oral)

The petitioners, who are present in the court, are seeking protection of their lives and liberty at the hands of respondents No.4 to 6, who are stated to be parents and other immediate relatives 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 14.03.2018. 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 Aadhaar Cards issued by the Unique Identification Authority of India, showing the date of birth of petitioner no.1 to be 22.08.1998 and that of petitioner no.2 to be 06.03.1998, have been produced in Court. Petitioner no.2 is therefore admittedly being below the legally marriageable age for males.

On a specific query put to learned counsel for the petitioners, it has been stated that neither are the petitioners in any prohibited relationship

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to each other, nor has any of them been married earlier.

Consequently, since protection of life and liberty is a fundamental right of every citizen under Article 21 of the Constitution of India, without making any comment on the validity of the marriage, this petition is disposed of with a direction to respondents No.2 and 3 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.

However, petitioner no.2 admittedly being below the legally marriageable age for males, i.e. 21 years, as per the provisions of the Prohibition of Child Marriage Act, 2006 and an offence punishable under Section 10 of the said Act would prima facie be made out, the said offence being cognizable under Section 15 thereof, the Senior Superintendent of Police, Tarn Taran (respondent no.2) and the SHO, Police Station, Khalra, District Tarn Taran (respondent no.3), are directed to go into the matter and take action as is warranted.

However, it is made clear that the age of petitioner no.2 shall be positively determined from the school that he last studied and action shall be taken only thereafter. The age of petitioner no.1 shall also be determined by the SSP and the SHO.

Though this petition has been disposed of, a report be filed by the SSP, Tarn Taran, within a period of 2 months, i.e. by May 16, 2018.

To be put on that date for that purpose only.

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A copy of this order be given to the learned State counsel, under signatures of the Bench Secretary.

16.03.2018 (**Amol Rattan Singh**)
vcgarg Judge

Whether speaking/reasoned: Yes/no
Whether reportable: Yes/No

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