

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

CRM-M-17138-2018 (O&M)

Date of Decision: 14.05.2018

Abijeet Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- None for the petitioners.
Mr. V.G. Jauhar, Sr. DAG, Punjab.

Amol Rattan Singh, J. (Oral)

Pursuant to the order dated 03.05.2018, learned State counsel, on instructions from the police official who is present in Court to assist him, submits that it has been determined from the school that petitioner no.2, Preeti, last studied in, that her date of birth is 19.06.2000, thereby making her about 17 years 10 months old, as on the date of the stated marriage between the petitioners, i.e. 21.04.2018.

Thus, she was two months short of the legally marriageable age. As regards, the previous marital status of petitioner no.1, it is submitted by the learned State counsel, again on instructions, that enquiry was made from respondent no.7, i.e. the former wife of the said petitioner, to the effect that in fact a divorce before a Panchayat (being as per custom as stated by the learned counsel, in terms of Section 29(2) of the Hindu Marriage Act, 1955), has been effected between her and the said petitioner.

Though Sunita Kumari (respondent no.7) is not shown to have been served of the notice ordered to be issued on the last date of hearing, as

the counsel for the petitioners did not file the process fee, prima facie accepting the statement shown to be recorded before the police, this petition is disposed of with a direction to respondents no.2 and 3 that though the life of the petitioners would continue to be protected, as regards liberty, it would be protected as per law, and if any proceedings are brought by any competent person, including Sunita Kumari, refuting any such statement made by her before the police and refuting the factum of divorce between her and petitioner no.1, all such proceedings would continue as per law and would be taken to their logical conclusion, regardless of any order passed by this Court in this petition.

Of course, petitioner no.2 being about two months short of the legally marriageable age, any proceedings brought under the provisions of the Prohibition of Child Marriage Act, 2006, or the Hindu Marriage Act, 1955, would be taken to their logical conclusion too.

(AMOL RATTAN SINGH)
JUDGE

14.05.2018
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: Yes