

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-18405 of 2018

Date of decision:2.5.2018

Jyoti and another

... Petitioners

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Mohit Kakkar, Advocate,
for the petitioners.

...

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 and 5, who are stated to be the father and uncle of petitioner no.1, on account of the fact that they have married each other of their own free will on 30.4.2018. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As per copies of the Aadhar Cards issued by the Unique Identification Authority of India to the petitioners, annexed with the petition, (the originals of which have been produced in Court), they are shown to be of legally marriageable age.

As stated in paragraph 13 of the petition, petitioner no.1 was earlier married but she is stated to have obtained a divorce from her first husband. A copy of the decree of divorce dated 16.12.2017 has been annexed as Annexure P-6 with the petition.

On a specific query to learned counsel for the petitioners as also to petitioner no.2, it is stated that petitioner no.2 has not been married

earlier. It is to be noticed that his age is shown to be 35 years and 9 months.

On a specific query put to learned counsel, it has been stated that neither are the petitioners in any prohibited relationship to each other, nor has any of them been married earlier. He states that he has obtained specific instructions from the petitioners in that regard.

Consequently, since protection of life and liberty is a fundamental right of every citizen enshrined in Article 21 of the Constitution of India and petitioner no.1 stated to have been married earlier but now divorced, without commenting 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, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to either the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, or with regard to their age, this order shall not be construed to be a bar on any proceedings initiated as per law.

If petitioner no.2 is found to be married earlier, naturally this order would not be interpreted to mean that a competent person cannot institute proceedings under Section 494 IPC etc.

2.5.2018
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No