

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

Crl. Misc. No.M-23572 of 2018 (O&M)
Date of Decision: 29.05.2018

Rina Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sarvesh Kumar Gupta, 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 to 6, who are stated to be 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 26.05.2018. 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 20.05.1997 and that of petitioner no.2 to be 01.01.1996, have been produced in Court.

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.

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, 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 proceedings initiated as per law.

It is to be reiterated that there being no firm proof of age of the petitioners other than their Aadhaar Cards, which cannot be taken as firm proof, because even at the time of applying such cards, it is not mandatory for the applicant to produce any firm proof of his/her date of birth before the authority issuing such Aadhaar Card, if the petitioners or either of them, are found to be below the legally marriageable age in terms of the provisions of the Prohibition of the Child Marriage Act, 2006, appropriate action would be taken.

29.05.2018
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(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: Yes