

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28381 of 2018
Date of Decision: 18.09.2018

Divyanshu Sharma

....Petitioner

Versus

State of Punjab & anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. BR Rana-I, Advocate, for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through the instant petition under Section 482 Cr.P.C, the petitioner has assailed order dated 04.07.2018 of learned Sessions Judge, Ropar, whereby he has directed respondent No.2 to register FIR under Section 10 of the Prohibition of Child Marriage Act, 2006, (for short 'the Act') against the petitioner.

Briefly, the petitioner and his alleged wife Areena solemnized marriage against the wishes of their parents and family members on 21.05.2018 and sought protection by moving application before Learned District Judge, Ropar to their life and liberty from the parents of Areena. However, on 30.05.2018, the petitioner again moved application for withdrawing their said application making statement that they had no threat to their life, withdrew their protection application. However, while permitting the petitioner to withdraw his protection application vide order dated 04.07.2018, learned Sessions Judge, Ropar simultaneously ordered respondent No.2 to lodge FIR under Section 10 of the Act against the petitioner for solemnizing in violation of Section 10 of the Act, being less than 21 years of age.

Heard.

Having given thoughtful consideration to the submissions made by both the sides, this Court finds that this petition merits acceptance, in view of the fact that marriage solemnized before attaining the age of majority is voidable and not void at the option of either of the spouse. Hindu marriage is a sacrament and not contract.

Accordingly, the petition is allowed. The impugned order and subsequent proceedings pursuant thereto, are quashed.

18.09.2018

monika

Whether speaking/reasoned
Whether Reportable

(RAMENDRA JAIN)

JUDGE

Yes/No
Yes/No