

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-4057 of 2018
Date of decision:1.2.2018

Saloni and another

... Petitioners

versus

State of Punjab and others

... Respondents

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

Present: Mr.P.S.Rai, 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 parents of petitioner no.1, on account of the fact that they have married each other of their own free will on 25.1.2018. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

In support of proof of age, a copy of the Matriculation Examination Certificate of petitioner no.1 issued by the Punjab School Education Board has been annexed with the petition, (the original of which has been produced in Court), showing her date of birth as 5.9.1998, thus making her more than 19 years of age.

As regards petitioner No.2, a copy of his Matriculation Examination Certificate issued by the Punjab School Education Board has been annexed with the petition, (the original of which has been produced in

Court), showing his date of birth as 13.2.1997, thus making him about 19 days short of the legally marriageable age for males in terms of the Hindu Marriage Act, 1955, and the Prohibition of Child Marriage Act, 2006.

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. 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, 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.

1.2.2018
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No