

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7131-2018 (O&M)

Date of Decision:- 25.10.2018

Roshni and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Bandana Dogra, Advocate, for the petitioners.

Ms. Ruchika Sabbharwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

Learned State counsel has today filed affidavit of Parampal Singh, PPS, Senior Superintendent of Police, Amritsar-Rural. The same is taken on record.

Petitioners Roshni and Nanak Singh had approached this Court seeking protection of life and liberty as they apprehended threat to the same at the hands of respondents No.4 to 6 i.e. the parents and brother of petitioner No.1 as the petitioners had married against their wishes.

In the petition, while Roshni disclosed her age as 18 years, supported by a copy of her Aadhar Card as Annexure P-1, Nanak Singh disclosed his age as 19 years which was also supported by a copy of Aadhar Card, annexed as Annexure P-2. When this matter came up for preliminary

hearing on 19.2.2018, Co-ordinate Bench of this Court while issuing directions for protecting the life and liberty of the petitioners had directed the Station House Officer, Police Station Ajnala, Amritsar to produce firm proof regarding the age of petitioner No.1. Thereafter vide order dated 23.3.2018 the Deputy Commissioner of Police, Amritsar was directed to file an affidavit as to why not even a preliminary inquiry as to the age of petitioner No.2 has been conducted since, he was admittedly below the legally marriageable age of 21 years.

As per affidavit of Senior Superintendent of Police, Amritsar-Rural, filed today in the Court, an inquiry has been conducted by Station House Officer, Ajnala, from which it has been revealed that petitioner No.1-Roshni used to study at Government Primary School, Pabbarali Kalan, Gurdaspur wherein her date of birth was mentioned initially by her parents as 16.4.1999 which was thereafter got rectified as 6.12.1998. Be that as it may, it works out that petitioner No.1 in any case was more than 18 years when the petitioners approached this Court after allegedly having married on 16.2.2018.

The Senior Superintendent of Police has further deposed in his affidavit that since petitioner No.2 was less than the legally permissible marriageable age of 21 years and that his date of birth was also incorrectly disclosed in the marriage certificate, therefore, an FIR No.183, dated 26.8.2018 under Section 420 IPC and Sections 10 and 11 of the Prohibition of Child Marriage Act, 2006 has been registered at Police Station Ajnala against petitioner No.2 Nanak Singh and the priest of Tridev Sanatan Dharam Samity (Regd.).

Since it is not a case that petitioner No.2 has disclosed his age more than 21 years in this Court, therefore, this Court does not feel necessity of initiating any proceedings for having furnished false information in this Court especially since an FIR already stands lodged against the petitioner No.2 in respect of offences under Section 420 IPC and Sections 10 and 11 of the Prohibition of Child Marriage Act, 2006.

Learned counsel for the petitioners, at this stage has stated that the petitioners do not have any apprehension or threat to their life and liberty at the hands of private respondents.

In view of the aforesaid position, no further direction is required to be issued, at this stage. Needless to mention, if at any later stage the petitioners apprehend any threat or apprehension in respect of their life and liberty, it will be open to them to approach this Court again.

The petition stands disposed of in aforesaid terms.

October 25, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No