

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

Crl. Misc. No.M-7508 of 2018 (O&M)

Date of Decision: 21.02.2018

Jaswinder Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Suresh Kumar Arya, 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 parents and other 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 05.02.2018. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of petitioner no.1, her original Matriculation Examination Certificate issued by the Punjab School Education Board, showing her date of birth to be 09.03.1995 and as regards petitioner no.2, his original Aadhaar Card issued by the Unique Identification Authority of India, showing his date of birth to be 20.08.1989, have been produced in Court. As per the said documents, both the petitioners are shown to be above the legally marriageable age.

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.

21.02.2018
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(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes/no
Whether reportable: Yes/No