

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9174 of 2018

Date of Decision: 27.11.2018

Nena and another

.....Petitioners

Vs.

State of Union Territory, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Kumar Goyal, A.P.P., U.T. Chandigarh.

AMOL RATTAN SINGH, J. (ORAL)

Today, learned Additional Public Prosecutor, U.T., Chandigarh, has filed in Court today an affidavit of Sh. Krishan Kumar, D.S.P. Central, Chandigarh, stating to the effect that an erroneous communication had been sent earlier to the effect that sanction for prosecution was required in respect of any offence punishable under the Prohibition of Child Marriage Act, 2006, whereas now the final report has been submitted to the competent Court on 22.11.2018.

That being so, nothing remains to be said in the present petition, by which the petitioners were seeking protection of their lives and liberty upon having married each other, with petitioner no. 2 subsequently found to have given his date of birth in paragraph 2 of the petition as 18.01.1997.

Further, as per the copy of the learners' licence for driving a vehicle, issued by the Chandigarh Administration to petitioner no. 2, his date of birth was shown therein to be 06.03.1999.

Consequently, this Court had directed initiation of proceedings under Section 10 of the Prohibition of Child Marriage Act, 2006, vide its order dated 16.03.2018, such offence being a cognizable offence in terms of Section 15 of the said Act.

The investigation having been taken to its logical conclusion, as already said, nothing further remains to be stated by this Court in this petition, except that the trial Court would now proceed wholly on the merits of the evidence led before it to determine as to whether any offence punishable under the Prohibition of Child Marriage Act, 2006, had been committed, with all observations made by this Court in any orders passed in this petition only being on account of the *prima facie* opinion formed by this Court in terms of the documents presented before it.

Naturally, if petitioner no. 2 produces cogent evidence to show that he was above the legally marriageable age in terms of the Act of 2006, the trial Court would accordingly adjudicate upon the matter.

The petition is disposed of accordingly.

November 27, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes