

CRM-M-977-2018

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

CRM-M-977-2018

Date of Decision: 02.02.2018

Vishal and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Avtar Singh Bhatti, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 11.01.2018, learned counsel for the State has produced in Court today a certificate of the Sun Valley International Senior Secondary School, Village and Post Office Kathe, Chakkowal Main Road, Sham Chaurasi, District Hoshiarpur, carrying the stamp of the Principal of the school, certifying therein that petitioner no. 2, i.e. Harjit Bangar, daughter of Pawan Kumar, had been studying in that school and had failed the 12th class examination in the Session 2016-17.

According to the school record, her date of birth is 06.06.1997, which matches the date given on the copy of the Aadhar card annexed with the petition as Annexure P-2.

Obviously, as regards the age of petitioner no. 2, it seemingly would not remain in doubt, she therefore being above the legally marriageable age for girls, i.e. 18 years.

CRM-M-977-2018

However, as already observed in the aforesaid order dated 11.01.2018, petitioner no. 1, Vishal son of Jatinder Kumar, even as per the copy of the Aadhar card annexed as Annexure P-1 with the petition, was born on 06.05.1998, thereby making him less than even 20 years of age as on the date of marriage, which in the petition is given to be 27.12.2017.

Obviously, though the marriage is not void but only voidable at the instance of the minor in terms of Section 3 of the Prohibition of Child Marriage Act, 2006, however, a child (as defined in the aforesaid Act), getting married before the legally marriageable age, is a cognizable offence, in terms of Section 15 of the said Act.

Consequently, without commenting on the validity of the marriage, in any manner whatsoever, this petition is disposed of with a direction that the lives and liberty of the petitioners shall be ensured to be protected by respondents no. 2 and 3, i.e. the Senior Superintendent of Police, Hoshiarpur and the Station House Officer, Police Station Sadar, District Hoshiarpur, but such protection shall not extend to registration of any case in terms of the Prohibition of Child Marriage Act, 2006, and proceedings on an FIR to be registered under that provision shall continue as per law.

February 02, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes