

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9026 of 2019

Date of Decision: 27.2.2019

Amit Kumar and Anr.

....Petitioners

Versus

State of Haryana and Ors.

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Rakesh Gupta, Advocate for the petitioners.

HARINDER SINGH SIDHU, J

The present petition has been filed under Section 482 Cr.P.C. seeking direction to respondent Nos.2 & 3 to provide protection to the lives and liberty of the petitioners at the hands of private respondents No.4 to 7.

It has been averred that the date of birth of petitioner No.1 is 08.06.1995 and date of birth of petitioner No.2 is 31.10.2001 and copies of Aadhar Cards of petitioner No.1 and petitioner No.2 to this effect are attached as Annexures P-3 and P-2 respectively.

It has been submitted that the marriage of the petitioners was solemnized on 25.2.2019 according to Hindu rites at a Mandir. The photographs of marriage are attached as Annexure P.4(Colly.). Private respondents No.4 to 7 are opposed to the marriage, as the petitioners had performed the marriage without their consent. The petitioners have submitted representation dated 25.2.2019 (Annexure P-5) to respondent No.2 seeking protection of their lives and liberty at the hands of the private respondents.

Without in any way opining on the age of the petitioners or the validity of their marriage this petition is disposed of with a direction to the Superintendent of Police Hisar- respondent No. 2 to look into the representation and take such action as may be warranted in law.

In the petition, it has been stated that the date of birth of petitioner No.2 is 31.10.2001. On the date when the marriage was solemnized i.e. 25.02.2019, she had not completed the age of 18 years.

'The Prohibition of Child Marriage Act, 2006', has been enacted to provide for the prohibition of solemnization of child marriages. Section 2 (a) defines "child" to mean a person who, if a male, has not completed twenty-one years of age, and if a female has not completed eighteen years of age.

Sections 9 and 10 of the Act prescribes the punishment for a male marrying a child and for those performing or conducting a child marriage. These Sections are reproduced below:

*"9. Punishment for male adult marrying a child.-
Whoever, being a male adult, above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.*

*10. Punishment for solemnizing a child marriage.-
Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage."*

As per Section 10 whoever performs, conducts, directs or abets

any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which extend to one lakh rupees.

The present is not a solitary case. In the cases filed by married couples seeking protection such cases of child marriages are often noticed where the girl is below eighteen years of age.

As per the averments in the petition, the marriage was solemnized on 25.02.2019 in a Temple. The petitioners have not disclosed the exact place of marriage. Prima facie it appears that this is child marriage.

Learned counsel for the petitioner undertakes to furnish the particulars of the place where the marriage ceremony was solemnized.

Adjourned to 07.3.2019.

February 27, 2019
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No