

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

**CRM-M-6429-2017**

**Date of Decision:02.12.2019**

Nanak Singh @ Ajay

...Petitioner

**Versus**

State of Punjab and another

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr.Chetan Bansal, Advocate for the petitioner.  
Mr.SPS Tinna, Addl. Advocate General, Punjab.

**ANIL KSHETARPAL, J.**

On 29.11.2019, following order was passed by this Court:-

*“Learned counsel for the petitioner submits that petitioner at the time of marriage with respondent No.2 was between 18 to 21 years of age. He further submits that no criminal offence under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 could be registered against the petitioner. He relies upon a recent judgment of the Hon'ble Supreme Court passed on 07.11.2019 in Criminal Appeal No.1331 of 2013.*

*Learned counsel for the State prays for time to examine and assist.*

*Adjourned to 02.12.2019.”*

In the present case, FIR No.115 dated 24.05.2016 has been registered against the petitioner with police Station Jandiala, Amritsar Rural under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 (for short `the Act of 2006').

The petitioner was more than 18 years of age on the day he got married with respondent No.2.

Learned counsel for the petitioner contends that no criminal offence under Sections 9 and 10 of the Act of 2006 is made out against the petitioner. He places reliance on a recent judgment passed by the Hon'ble Supreme Court in **Criminal Appeal No.1331 of 2013 (Hardev Singh Vs Harpreet Kaur and others)**, decided on 07.11.2019.

Learned counsel appearing for the State is unable to controvert this position.

On careful reading of the judgment passed by the Hon'ble Supreme Court, it has been laid down that merely because the husband has not attained the age of 21 years at the time of marriage, although he is major-having attained the age of 18 years, would not be sufficient to implicate him under Sections 9 and 10 of the Act of 2006. Section 9 of the Act of 2006 provide for punishment for male adult marrying a child, whereas Section 10 provide for punishment for solemnising a child marriage, which are extracted as under:-

*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.*

*Marrying a child by male adult above eighteen years of age is punishable with imprisonment or fine of both.*

*10. Punishment for solemnising 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.”*

In view of the above, this Court is of the considered view that offences under sections 9 and 10 of the Act of 2006 are not made out against the petitioner.

Accordingly, the present petition is allowed. FIR No.115 dated 24.05.2016 registered under Sections 9 and 10 of the Act of 2006 and the consequential proceedings arising therefrom are ordered to be quashed.

Pending application(s), if any, shall also stand disposed of, in terms thereof.

**02.12.2019**  
**mks**

**(ANIL KSHETARPAL)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |