

CRWP-599 of 2018 (O&M)

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

CRWP-599 of 2018 (O&M)
Date of Decision: 27.03.2019

Harmaish Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. P.P.S. Duggall, Advocate, for the petitioner.
Ms. Sudeepti Sharma, Addl. A.G., Punjab.
Mr. K.S. Brar, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

CRM-W-21 of 2019

For the reasons mentioned in the application, same is allowed.

Annexures P-9 and P-10 are taken on record subject to all just exceptions.

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Petitioner is the helpless father of Usha Rani, who solemnised her marriage with her own free-will and consent with respondent No.3. She also sought protection from the Sessions Court, which was granted to them vide order dated 24.05.2018 (Annexure P-4). Now, the petitioner has filed instant Criminal Writ Petition under Article 226 of the Constitution of India for her production on the ground that on the date of her alleged marriage with respondent No.3, she was minor.

Learned counsel, drawing attention of this Court towards School Leaving Certificate (Annexure P-1) *inter alia* contends that daughter of the petitioner on the date of her alleged marriage with respondent No.3 was minor being her date of birth as 03.01.2003. Respondent No.3 on the basis

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of forged birth certificate, mentioning her date of birth as 03.01.1999, got prepared illegal Aadhaar Card showing her same date of birth and obtained protection from the Sessions Court, illegally. Since daughter of the petitioner was minor, therefore, case under Section 376 IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 was registered against respondent No.3 vide FIR No.20 dated 27.03.2018 at Police Station Lakho Ke Behram, District Ferozepur. Respondent No.3 by way of CRM-M-27569 of 2018 approached this Court for quashing the aforesaid FIR, but remained unsuccessful as the same was dismissed by a Co-ordinate Bench of this Court vide order dated 31.01.2019.

On the other hand, learned counsel for respondent No.3, refuting above submissions, contends that date of birth of a person recorded in the office of Registrar Births and Deaths is more authentic than the one shown in School Leaving Certificate. In Aadhaar Card also, Usha Rani, daughter of the petitioner, got mentioned her date of birth as 03.01.1999, which corroborates her date of birth mentioned in the Birth Certificate issued by Additional District Registrar, Births and Deaths, Ferozepur.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition completely meritless for the reason that daughter of the petitioner, voluntarily and with her own sweet will is residing with respondent No.3 as his wife, after obtaining protection from the Court of Sessions vide order dated 24.05.2018 (Annexure P-4), before whom also she claimed herself to be major disclosing her date of birth as 03.01.1999. Since date of birth entered in the record of the Registrar, Births and Deaths is more authentic than the date of birth mentioned in the School

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District Registrar Births and Deaths, Ferozepur, showing date of birth of the daughter of the petitioner as 03.01.1999 has to be given preference. Consequently, daughter of the petitioner cannot be declared minor by this Court.

In view of discussion made above, petition is dismissed.

March 27, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No