

In the High Court of Punjab and Haryana at Chandigarh

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Cr.W.P.No.1240 of 2019

.....

Date of Decision:28.11.2019

Harpreet Kaur and another

... Petitioners

Versus

State of Haryana and others

... Respondents

.....

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Nitin Verma, Advocate, for the petitioners.

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AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioners seek protection of their life and liberty at the hands of respondents No.3 to 7, who are stated to be the parents, brothers and other relative of petitioner No.1, such protection having been sought on account of the fact that they have married each other allegedly against the wishes of the said respondents.

It is seen that though petitioner No.2 is shown to be 20 years of age, i.e., about one year below the marriageable age for males in terms of Section 5 of the Hindu Marriage Act, 1955 and Section 3 of the Prohibition of Child Marriage Act, 2006, obviously, if any such marriage has been performed, or even otherwise as regards protection of life and liberty, such life and liberty is bound to be protected it being their fundamental right under Article 21 of the Constitution of India.

[2]

That being so, this petition is disposed of with a direction to Superintendent of Police, Yamuna Nagar (respondent No.2) that the life and liberty of the petitioners be protected at the hands of respondents No.3 to 7 and otherwise.

However, such protection shall not be taken to be any bar on proceedings under Section 3 of the Prohibition of Child Marriage Act, 2006, if found to be maintainable in view of the disclosed age of petitioner No.2, but for that reason, it is again repeated that respondents No.3 to 7 would only not be allowed by the Superintendent of Police, Yamuna Nagar to harass the petitioners. All proceedings taken under the said Act would, obviously, be as per law.

November 28, 2019.

hsp

(Amol Rattan Singh)

Judge

NOTE:	Whether speaking/reasoned:	Yes
	Whether Reportable:	No