

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

**CRM-M-55104-2018 (O&M)**

**Date of decision : 14.1.2019**

**Gopal and another**

**..... Petitioners**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Petitioners in person with Mr. Vijay Kumar, Advocate for  
Mr. Rakesh Gupta, Advocate for the petitioner.  
Mr. Karanbir Singh, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

**KULDIP SINGH J. (ORAL)**

Heard.

Reply dated 12.1.2019 of Narender Kadian, Deputy  
Superintendent of Police, Law and Order, Hisar, on behalf of respondents  
No. 1 to 3 filed in Court today is taken on record.

It comes out that the petitioner No. 1- Gopal who is aged about  
19 years and 8 months and petitioner No. 2-Priyanka who is aged about 17  
and 8 months have eloped and married on 5.12.2018.

State in its reply has taken the stand that on the complaint of  
respondent No. 5 namely Sunita who is mother of petitioner No. 2, FIR No.  
37 dated 4.12.2018, under Section 346 of the Indian Penal Code was  
registered at Police Station Azad Nagar, Hisar, in which offence under  
Section 363 and 366-A of the Indian Penal Code has been added later on.

Learned State counsel further contends that it is a case of child marriage. In any case, even if a person below the eligibility age of marriage marries, the marriage is not void *ab initio* but voidable at the instance of the minor. Therefore, so far as this Court is concerned life and liberty of the petitioners has to be protected.

In such circumstances, petition is disposed of with a direction to the official respondents to protect the life and liberty of the petitioners. However, State shall be at liberty to investigate the FIR in question or under the Prohibition of Child Marriage Act, 2006 if it is registered later on.

Disposed of.

(KULDIP SINGH)  
JUDGE

14.1.2019  
*preeti*

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