

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111)		CRWP no.3649 of 2020 (O&M)
		Date of Decision: 11.06.2020
Shahrukh and another		...Petitioners
	Versus	
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Mazish Khan, Advocate, for the petitioners.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By way of this petition, the petitioners are seeking protection of their lives and liberty at the hands of respondents No.4 to 9, who are stated to be the parents and other immediate relatives of petitioner no.2, on account of the fact that they have married each other of their own free will, against the wishes of the said respondents, on 26.05.2020. A copy of the Nikahnama (marriage certificate) is annexed as Annexure P-1, with the petition.

As regards proof of age of the petitioners, copies of their Aadhaar Cards have been annexed with the petition as Annexures P-2 and P-3 respectively.

On a specific query put to learned counsel for the petitioners, it has been stated that neither are the petitioners in any prohibited relationship to each other, nor has any of them been married earlier.

Consequently, since protection of life and liberty is a fundamental right of every citizen under Article 21 of the constitution

of India, without making any comment on the validity of the marriage, this petition is disposed of with a direction to respondents No.2 and 3, to ensure that the lives and liberty of the petitioners are not put to any harm or threat at the hands of the aforesaid respondents, or at their behest.

If any of the petitioners is found to be below the legally marriageable age as per the provisions of the Prohibition of Child Marriage Act, 2006, it is to be specifically noticed that proceedings under that Act shall be initiated, because the Act makes no exception in respect of the parties to a marriage, no matter to which community they belong.

Muslim Personal Law does not prohibit marriage between two persons who have attained the age of puberty and as such as per the said law, it is not necessary for a male to be 21 years of age and a female to be 18 years of age before they enter into matrimony.

However, as already said, the Prohibition of Child Marriage Act, 2006, makes no such exception and consequently the law of the land would take its own course.

With the aforesaid observations, this petition is disposed of.

11.06.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No