

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110

Crl.W.P.no.3774 of 2020
Date of Decision: 16.6.2020

Daljit Kaur and another

.... Petitioners

Vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Amit Wadhwa, Advocate,
for the petitioners

...

AMOL RATTAN SINGH, J. (ORAL)

All 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 this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 9, who are stated to be the parents and other relatives of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondents, on 11.6.2020.

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. She states that she has obtained specific instructions from the petitioners in that regard.

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 whatsoever on the validity of the marriage, or otherwise, 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.

Since there is no firm proof of age before this court of either of the petitioners, a specific direction is given that their age shall be determined from the schools that they studied in, after making enquiries therefrom, and if either of them is found to be below the legally marriageable age for females and males respectively (18 years and 21 years), proceedings under the provisions of the Prohibition of Child Marriage Act, 2006, shall be initiated immediately as per law.

Further, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to either the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, this order shall not be construed to be a bar on proceedings initiated as per law.

Since both the petitioners are admittedly from the same village, it shall be enquired into as to whether they are in any prohibited relationship to each other or not.

Having said that, it is made clear that even if they are in any prohibited relationship in terms of Section 3(f) of the Hindu Marriage Act, 1955, protection of life and liberty is still a fundamental right guaranteed under the Constitution of India and since in this petition, this court is not required to look into the validity of the marriage, or otherwise, and it is only

by which the petitioners seek protection of their life and liberty, respondents no.2 and 3 shall ensure that due protection is given to them.

If any person is aggrieved of this marriage due to any prohibited relationship (if that is so), such person, if she/he has *locus standi* to do so, would naturally be at liberty to approach the competent court as regards the validity of the marriage.

16.6.2020
pk/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
No/Yes