

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113)

CRWP no.6062 of 2020 (O&M)

Date of Decision: 18.08.2020

Iqra @ Iqra Wasi Ahmed Khan and another

...Petitioners

Versus

State of U.T., Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Nitin Mitoo, Advocate, for the petitioners.
Mr. Lalit Kumar Gupta, Addl. P.P., U.T., Chandigarh.

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 and 5, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 11.08.2020.

Notice of motion be issued to the respondents, with Mr. Lalit Kumar Gupta, learned Addl. P.P., U.T., Chandigarh, accepting notice on behalf of respondents no.1 to 3, on the asking of the court, he already having received a copy of the petition in advance.

Mr. Gupta submits that upon receiving a copy of the petition, a police official visited the address of the petitioners as given in the memo of parties but as per the landlord residing at H.No.6357, Madrasi Colony, Maloya, petitioner no.2 was earlier living with his family at the said residence but he left

his residence in July 2020 and was heard to be living in Jujhar Nagar (the name of the city not being fully known to the Addl. P.P.).

Be that as it may, since it is stated to be the first marriage of both petitioners and they are not stated to be in any prohibited/*sapinda* relationship to each other, (being from different communities, as has been submitted by learned counsel upon a specific query made to him), this petition is disposed of with a direction that upon the petitioners making any representation to the SSP, Chandigarh, or to the SHO of the police station concerned, or any competent police official, their lives and liberty shall be protected at the hands of respondents no.4 and 5 or any other person, within the parameters of law.

Naturally, if any such representation is made, while continuing to protect their lives and liberty, the age of both the petitioners shall be determined by firm proof (not simply on the basis of Aadhaar Cards) and if either of them is found to be below the legally marriageable age either for a male or a female, in terms of the provisions of the Prohibition of Child Marriage Act, 2006, then proceeding under that Act shall be initiated as per law, offences under that Act being cognizable offences as per Section 15 thereof.

In any case, the lives and liberty of the petitioners shall be protected at the hands of respondents no.4 and 5, or any other person, that being a basic fundamental right enshrined in Article 21 of the Constitution of India.

18.08.2020

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(AMOL RATTAN SINGH)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No