IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP.no.6050 of 2020
Date of Decision: 18.8.2020

Amanjeet Kaur and another .... Petitioners

versus

State of Punjab and others .... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. K.K. Saini, 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 as well as relatives of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondents, on 13.8.2020.

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. He states that he has obtained specific instructions from the petitioners in that regard.

Since there is no firm proof of age of either of the petitioners and especially with petitioner no.1 shown to be only 19 years of age, and the Aadhar card not being any firm proof of age, the Senior Superintendent of Police, Faridkot, and the Station House Officer of Police Station Sadar, Kotkapura, are directed to enquire from the school which petitioner no.1 last

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attended, as to whether her age is actually above 18 years or not as per school records and if it is not, then action shall be initiated in terms of the of the Prohibition of Child Marriage Act, 2006.

Obviously that will not affect the validity of the marriage because even a child marriage as per the said Act is not *void ab initio* but only voidable at the instance of the minor upon attaining majority.

At this stage, learned counsel submits that he has also seen the matriculation examination certificate of petitioner no.1 and as per that certificate, her date of birth is 04.12.2000.

Naturally, that fact shall be verified from her school.

Other than that of course, protection of life and liberty being a fundamental right of every citizen, enshrined in 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.

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.

18.8.2020 **(AMOL RATTAN SINGH)**
dinesh **JUDGE**

Whether speaking/reasoned Yes
Whether Reportable Yes

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