

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP.no.6420 of 2020

Date of Decision: 26.08.2020

Ankit Nigah and another

.... Petitioners

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Nirmal Singh, 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 6, who are stated to be the parents and relatives of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondents, on 21.8.2020.

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.

The Superintendent of Police, Ambala, is however directed to get the actual age of both the petitioners verified from the institutions from they last attended to determine as to whether they are both above marriageable age in terms of the provisions of the Prohibition of Child Marriage Act, 2006, i.e. 21 in the case of males and 18 in the case of

females, and if their age has been falsely given in this petition, then naturally, proceedings under the provisions of that Act would be initiated against them if they are found to be below the such marriageable, all offences punishable under that Act being cognizable offences.

Obviously that will not affect the validity of the marriage presently, 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.

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.

26.08.2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No