

CRWP No. 7623 of 2020

Date of Decision: 29.10.2020

Manjeet Singh and another

.....Petitioners

vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajinder Kumar, Advocate, for the petitioners.

Mr. Deepak Bhardwaj, D.A.G., Haryana.

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 issuance of a writ in the nature of 'mandamus' directing respondent no.3 to not harass them at the instance of the private respondents; further directing respondent no.2 to protect their life and liberty.

In the order dated 05.10.2020, the previous order passed on 24.09.2020 had been reproduced in *extenso*, after which it had been noticed in the order of 05.10.2020, that as per the record gathered by the State from the Registrar, Births and Deaths, the date of birth of petitioner no. 1 was found to be 25.07.2000 and that of petitioner no. 2 to be 27.03.2003, whereby making them both less marriageable age, in terms of both, the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006.

No reply is forthcoming as yet as to whether any proceedings under the Act of 2006 have been initiated against the petitioners or not, though of course it had been made clear that in view of the proviso to Section 11 of the said Act, petitioner no. 2 at least will not be arrested, she being a girl.

No reply has also been filed to the notice issued to the petitioners as to why they be not proceeded against under the provisions of the Contempt of Courts Act, 1971.

Learned counsel for the petitioners submits that the petitioners simply wish to withdraw this petition.

Whereas that would be their choice (to withdraw the petition), however, they having misled the court, naturally, the notice issued to them on that count cannot be simply 'dropped off' on account of withdrawal of the present criminal writ petition.

Consequently, even while allowing the petitioners to withdraw this petition, the Registry is directed to institute a contempt petition by assigning it a proper number, with the title of that petition to read as follows:-

Court on its own motion vs. Manjeet Singh and another (the petitioners being Manjeet Singh and Rina Rani).

It is again made clear that if no reply is filed by the petitioners to the notice issued to them, no further latitude will be given by this court and it shall be taken that they have nothing further to say in the matter and naturally, therefore the contempt petition would be taken to its logical end.

As regards any action taken under the provisions of the Prohibition of Child Marriage Act, 2006, a gazetted officer is directed to file an affidavit in the contempt petition itself.

Even though on the next date of hearing, it is only the contempt petition which would need to be listed, however, the case file of this petition (which has been withdrawn), be also put up along with the contempt petition, to refer to the pleadings made by both parties, in the light of which in fact notice has been issued under the Act of 1971.

Learned counsel for the petitioners would also address arguments as to why, with petitioner no. 2 being less than 18 years of age, clause (a) of Section 12 of the Prohibition of Child Marriage Act, 2006, would not apply, which reads to the following effect:-

“Marriage of a minor child to be void in certain circumstances.---Where a child, being a minor---

(a) is taken or enticed out of the keeping of the lawful guardian; or”

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xxxx

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The contempt petition be listed on 14.12.2020.

October 29, 2020

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.