

CRWP No. 10247 of 2020**Date of Decision: 09.12.2020****Apsana and another****.....Petitioners****Vs.****State of Haryana and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH****Present: Ms. Sunita Gupta, 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 7, upon them having married each other (as contended) against the wishes of the said respondents, on 03.12.2020.

Upon query to learned counsel for the petitioners, she submits that petitioner no. 2, i.e. Rashid Khan was married earlier also and this is a 2nd marriage but both the petitioners being Muslims, he is obviously permitted to contract a second marriage also, as per Muslim Personal Law.

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 of either of the petitioners other than their Aadhar Cards, which is actually not a firm proof of age, if any of the petitioners are found to be below the marriageable age in terms of the provisions of the Prohibition of Child Marriage Act, 2006, this order shall not be construed to be a bar on any proceedings initiated under that Act, offences committed under the provisions of that Act being cognizable in terms of Section 15 thereof.

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.

December 09, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.