

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH106**

**CRWP No.123 of 2021**

**Date of Decision: 07.01.2021**

**Gazala Shaheen @ Soniya and another**

**..... Petitioners**

**Versus**

**U. T. Chandigarh and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Krishan Kumar Thakur, Advocate, for the petitioner.

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard by video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 6, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 04.01.2021.

Notice of motion at this stage is issued only to the respondent Union Territory, in view of the prayer made, with this court not commenting in any manner whatsoever as regards the validity of the marriage of the petitioners to each other, with learned counsel for the petitioner however submitting on a query made by this court that neither of the petitioner has been married earlier.

He further submits that obviously, as they are from two different communities altogether, they are not in any prohibited sapinda relationship to each other.

Mr. Rajiv Vij, learned APP, U.T. Chandigarh, appears for respondent no.1 to 3 and accepts notice and submits that he has already received instructions to the effect that in fact the petitioners are not residing at the address given in the memo of parties, i.e. Balmiki Mandir, Phase-1, Ram Darbar, Chandigarh.

Learned counsel for the petitioners however submits that as per his

information and as per the Aadhar card annexed with the petition, the petitioners are very much residents of that place.

He further submits that the petitioners would appear before respondent no.3 within two days and would show him their place of residence and that they be granted protection.

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 the aforesaid observations.

Since there is no firm proof of age of either of the petitioners other than their Aadhar Cards, which is actually not any firm proof of age, if any of the petitioners are found to be below 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.

As correctly submitted by Mr. Vij, naturally, if the petitioners are not found residing in the U.T. Chandigarh, respondents no. 2 and 3 would have no jurisdiction to extend any protection to them.

**January 07, 2021**  
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Whether speaking/reasoned  
Whether Reportable

**(AMOL RATTAN SINGH)**  
**JUDGE**  
Yes/No  
Yes/No