

CRWP No.1543 of 2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

137)

CRWP No.1543 of 2021

Date of Decision:12.02.2021

Sheetal Devi and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vikram Jeet Singh, Advocate,
for the petitioners.

Amol Rattan Singh, J. (Oral)

Case heard via video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 and 5, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 11.02.2021.

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.

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

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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 lawfully initiated under that Act, the offences committed under that Act being cognizable in terms of Section 15 thereof, though, if the 1st petitioner (girl/woman) is above 18 years of age, then, in terms of the judgment of the Supreme Court in Hardev Singh v. Harpreet Kaur 2020 (1) RCR (Criminal) 238, no offence under the provisions of that Act would be deemed to have been committed.

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.

12.02.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned :Yes
Whether Reportable :No