

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

132

**CRWP-1947 of 2021
Date of Decision: 24.02.2021**

Mausam and another

..... Petitioners

Versus

State of Haryana and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. M. D. Khan, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

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 19.02.2021.

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 respondents, or at their behest.

By way of proof of age as regards petitioner no.2, a copy of her PAN card, showing her date of birth to be 01.01.1994, has been annexed with the petition.

Since there is no firm proof of age of petitioner no.1 other than his Aadhar Card, which is actually not a firm proof of age, if he, (or even petitioner no.2) 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.

February 24, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No