

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

135

**CRWP-3018-2021
Date of decision: 25.03.2021**

Subnam @ Suman Devi and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Karandeep Singh, Advocate for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners, claiming themselves to be aged about 18 and 21 years respectively, have approached this Court seeking protection of their life and liberty on the averments that petitioner No.1 after conversion to Islam performed marriage with petitioner No.2 on 22.03.2021 at Masjid at Naya Gaon, District SAS Nagar, Mohali, as per Muslim rites and ceremonies against the wishes of respondents No.4 to 8 and the petitioners are apprehending threat to their life and liberty at their instance.

Notice of motion restricted to respondents No.1 to 3 only.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondents No.1 to 3.

Learned Counsel for the petitioners has submitted that a representation dated 22.03.2021 (Annexure P-7) was made to the

Superintendent of Police, Yamuna Nagar seeking protection but no action has been taken so far in the matter and prays for issuance of direction in this regard.

Learned State Counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

In the present case in Aadhaar Card of petitioner No.2 his date of birth is recorded as 01.01.2001 but as per his School Leaving Certificate his date of birth is 01.08.1999 and he is more than 21 years of age. In view of the nature of relief sought, the question of validity of marriage of the petitioners is not required to be adjudicated upon in the present case. In any case, under Section 3 of the Prohibition of Child Marriage Act, 2006 marriage performed in breach of provisions thereof is voidable and not void. Even otherwise, law validates and recognizes live-in-relationship in the nature of marriage and the petitioners are entitled to protection of their life and liberty in that eventuality also.

In these facts and circumstances the petition is disposed of with the directions to respondent No.2-Superintendent of Police, Yamuna Nagar to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-7) and take appropriate action for protection of their life and liberty as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against petitioner No.2, then nothing in this order shall be construed as a bar for taking of appropriate action by the police authorities against him in respect thereof in accordance with law.

The Registry is directed to send a copy of this order along

with copy of the petition and above-said representation to respondent No.2-Superintendent of Police, Yamuna Nagar for requisite compliance.

25.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No