

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

114

CRWP-4028-2021

Date of decision: 28.04.2021

Seema @ Jannat Khatun and another

.....Petitioners.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR JUSTICE AMOL RATTAN SINGH

Present: - Mr. Rakesh Bakshi, 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 to 7, upon them having married each other (as contended) against the wishes of the said respondents, on 20.04.2021.

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.

Though there is no firm proof of age of either of the petitioners on record other than Aadhar Cards, which actually and not a firm proof of age as no proof of age is asked for at the time of applying for such Cards, however, learned counsel for the petitioners submits that he also has a copy of the School Leaving Certificate of petitioner no. 1, in which her date of birth is shown to be 06.07.2001 thereby making her well above 19 years of age.

The Superintendent of Police, Yamunanagar, and the Station House Officer of the area concerned, shall determine from the school that she last studied in, after making enquiries therefrom, her exact age, and if she is found to be below the legally marriageable age for females (18 years), proceedings under the provisions of the Prohibition of Child Marriage Act, 2006, may be initiated immediately as per law.

Obviously that will not affect the validity of any marriage performed, because even a 'child marriage', as per the said Act, is not void ab initio but only voidable at the instance of the minor, upon attaining majority.

However, 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.

(AMOL RATTAN SINGH)
JUDGE

28.04.2021

preeti

PREETI
2021.04.30 00:45
I attest to the accuracy and
integrity of this document

whether speaking/non speaking

whether reportable/non reportable

yes/no

yes/no