IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

CRWP No.6089 of 2021
Date of Decision: 05.07.2021

Priya and another

..... Petitioners

Versus

Union Territory Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Arun Sharma, Advocate,
for the petitioners.

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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 11, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 30.06.2021.

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.

He further submits that they cannot be in any prohibited relationship to each other it being an inter-caste marriage.

Notice of motion.

Ms. Vashundhara Dalal Anand, learned Addl. PP, U.T. Chandigarh, appears and accepts notice on behalf of respondents no.1 to 3.

Since so far at least the age of the petitioners is not disputed as per the Addl. PP, this petition is disposed of with a direction to respondents no.2 and 3

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that the life and liberty of the petitioners shall be duly protected as per law, that being a basic fundamental right of every citizen enshrined in 21 of the Constitution of India.

There is no firm proof of age of either of the petitioners other than their Aadhar Cards, which is actually no firm proof of age, as no documentary proof is asked for at the time of applying for the Aadhar card or the issuance thereof.

Hence, if upon actual verification, the age of the petitioners, especially petitioner no.1, is found to be below marriageable age in terms of the Prohibition of Child Marriage Act, 2006 (as per documentary proof), this order will not bar proceedings under the provisions of that Act, all offences punishable under the provisions of the said Act being cognizable in terms of Section 15 thereof.

In any case, regardless of the age of the petitioners, it is repeated that the protection of life and liberty being a basic fundamental right of every citizen, such life and liberty be duly protected by the respondent State.

Yet, 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.

July 05, 2021 **(AMOL RATTAN SINGH)**
dinesh **JUDGE**

Whether speaking/reasoned Yes
Whether Reportable No

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