

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114)

CRWP no.6191 of 2021 (O&M)
Date of Decision: 07.07.2021

Kheruna and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Rosi, Advocate, for the petitioners.
Mr. Neeraj Poswal, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conference.

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 30.06.2021.

Upon a specific query to the learned counsel for the petitioners, as to why anybody would have any objection to the marriage of the petitioners to each other since petitioner no.1 is shown to be 38 years, with petitioner no.2 to be 33 years, she has submitted that respondent no.2 is the previous husband of petitioner no.1 and since the children born of that marriage are living with petitioner no.1, he is constantly harassing the petitioners and threatening both of them.

Upon query as to whether there is any valid *Talaqnama*/decree of divorce obtained by petitioner no.1, she submits that there is no such decree/*Talaqnama* available.

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 being one simply seeking protection of their lives and liberty, it is disposed of with a direction to respondents no.1 to 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.

Naturally, liberty has to be circumscribed by law but as regards life, the petitioners cannot be put under threat by respondents no.4 to 6 or at their behest.

Hence, respondent no.2 and 3 shall ensure that the lives of the petitioners are duly protected and further, liberty as per law is also duly protected, with obviously any remedy that respondent no.4 has qua his marriage to petitioner no.1, not being adversely affected at all by this order.

Yet, even having said that, it is to be observed that if the age of petitioner no.1 is actually found to be as it is shown, i.e. that she is 38 years old, which is obviously 20 years more than the legally marriageable age for females in terms of the provisions of the Prohibition of the Child Marriage Act, 2006, with her also stated to be the mother of two children, unless she herself makes any statement before a competent Magistrate against petitioner no.2, *prima facie* at least, this court would find no ground for

registration of any criminal case against petitioner no.2, though that is a matter to be seen in case any such criminal case is registered, in appropriate proceedings thereafter.

Presently, this petition is disposed of in the above terms, with a direction for ensuring protection of the lives and liberty of the petitioners.

07.07.2021

vcgarg

(AMOL RATTAN SINGH)**JUDGE**

Whether speaking/reasoned : Yes

Whether Reportable : No