

CRWP No. 6179-2021

Date of Decision: 06.07.2021

Joti Kaur and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Yagyaang Ajay, 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 10, upon them having married each other (as contended) against the wishes of the said respondents, on 02.07.2021.

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 enshrined in 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.

As regards the age of petitioner no. 1, what is stated to be a true copy of her Matriculation Examination Certificate, has been annexed with the petition as Annexure P-1 showing her date of birth to be 25.06.2003 thereby making her just 18 years on the date of her marriage (with no comment being made by this court on the validity of said marriage).

As regards petitioner no. 2, since there is no firm proof of his age other than his Aadhar Card, which is actually not firm proof of age, as no documentary proof is usually asked for at the time of applying for an Aadhar card or the issuance thereof.

Thus, if upon verification the age of the petitioners, it is found that either of them, especially petitioner no.1, is below 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 initiated under that Act, offences committed under the provisions of that Act being cognizable in terms of Section 15 thereof.

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 of 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.

It is to be noticed here that petitioner no. 2 is shown to be 35 years of age and therefore it is being reiterated that upon specific query put again to counsel for the petitioners he submits that it is his first marriage and that the petitioners are not in any prohibited relationship to each other.

Naturally, if either of those facts is found to be incorrect upon verification, this order shall not bar any proceedings as per law, though of course it is to be reiterated that protection of life and liberty (as per law) is a fundamental right of any citizen and those shall be duly protected accordingly.

July 06, 2021

nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)**JUDGE**

Yes
No.