

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

110)

CRWP no.7127 of 2021

Date of Decision: 30.07.2021

Amani Rani and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Balraj Singh Sidhu, 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 6, as they wish to marry each other (as contended) against the wishes of the said respondents.

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. He states that he has obtained specific instructions from the petitioners in that regard.

In any case, 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 merits of the case, 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.

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

Hence, if the age of petitioner no.1, upon verification, is found to be less than 18 years of age, naturally this order would not bar proceedings in respect of any offence alleged to have been committed under various provisions of the IPC, specifically also Section 376 thereof.

However, the aforesaid observation has been made wholly by way of abundant caution and obviously, if petitioner no.1 is found to be 18 years of age as per documentary evidence (or in the absence thereof in terms of determining the age of majority of a woman as per law), then possibly, unless the said petitioner herself brings any criminal proceedings, such criminal proceedings may not lie at the instance of any other person.

It is made clear that if any of the averments made in this 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 or the age, this order shall not be construed to be a bar on proceedings initiated as per law.

30.07.2021

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(AMOL RATTAN SINGH)**JUDGE**

Whether speaking/reasoned : Yes

Whether Reportable : No