

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

119)

CRWP-7218-2021

Date of Decision: 21.09.2021

Ravina and another

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: None for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

On August 25, 2021, the following order had been passed in this case:-

“Case heard via video conferencing.

On 06.08.2021 the following order had been passed
by this court:-

“Case heard via video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 and 5, as they are in a live-in relationship with each other and they are under threat from the said respondents, i.e. parents of petitioner no.1 (as contended).

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, they in any case being of the Islamic faith.

It is seen that petitioner no.2 is a 17 year old male, i.e. he is below the age of majority.

Learned counsel further submits that respondents no.4 and 5 are forcibly trying to marry off petitioner no.1 to someone whom she does not want to marry and consequently she and petitioner no.2, wishing to marry each other, have entered into a live-in relationship.

Notice of motion, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice on behalf of the respondent State, on the asking of the court.

Respondents no.4 and 5 be served by normal process. Adjourned to 20.08.2021.

A gazetted officer is directed to file a reply to the petition, also stating therein whether any of the offence under the provisions of the Protection of Children from Sexual Offences Act, 2012 would be made out at this stage

The correct age of both the petitioners, as per documentary proof from the schools that they last attended, as also from the Registrar (Births and Deaths) in the respective districts where they were born, be obtained and also annexed with the affidavit of such gazetted officer.

In the meanwhile, since protection of life and liberty is a fundamental right of every citizen enshrined in Article 21 of the Constitution of India, respondents no.2 and 3 shall 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; and that petitioner no.1 is not forcibly abducted or married off by respondent no.4 and 5.”

A reply dated 14.08.2021 has been filed on behalf of the respondent State, which is ordered to be taken on record.

Counsel for the petitioner having sought an adjournment as it is well past 4:00 p.m., adjourned to 21.09.2021.

Interim protection as regards the life and liberty of the petitioners would naturally continue, with of course proceedings in terms of the prohibition of the Child Marriage Act, 2006 not stayed by this court as petitioner no.2 is admittedly well below the marriageable age for males in terms of the said Act.

Yet, no coercive action shall be taken against him till the next date of hearing, in view of the ratio of the judgment of the Supreme Court in Hardev Singh v. Harpreet Kaur 2020 (1) RCR (Criminal) 238.

To be shown in the urgent motion list.”

Thereafter, the turn of the case having come up after 4:00 p.m. on August 25, 2021, counsel for the petitioners was not present, with hearing in the matter therefore adjourned till today, with it specifically directed that the matter be shown in the urgent motion list.

Today, even though the turn of the case has come up well before 3:20 p.m., counsel for the petitioners is still not present, with an adjournment sought by him through the co-ordinator of the video conference.

That request is declined, with it however to be noticed that as per the reply filed by the DSP, Fatehabad, petitioner no.1 was found to be above 18 years of age as on July 22, 2021, though petitioner no.2, admittedly is below 18 years of age as per the petition itself.

It has been further stated that the statements of the parents of petitioner no.1, (i.e. of respondents no.4 and 5), were recorded to the effect that initially (of course) they denied having beaten up petitioner no.1, and thereafter they having stated that the petitioners are under no threat from them.

The DSP has also stated in his affidavit that the petitioners are in fact now living in the house of the petitioner no.2, in village Badopal, District Fatehabad.

That being so, with petitioner no.1 being above the age of majority, nothing further remains to be said by this court as regards she having eloped with petitioner no.2, who of course is a minor.

Consequently, this petition is disposed of with a direction to respondents no.1 to 3, that the lives and liberty of the petitioners would continue to be protected as per law, if any threat is perceived to such lives and liberty, with however, no legal proceedings barred if at all maintainable, as regards petitioner no.2 being a minor and he being in a live-in relationship with petitioner no.1, though of course absolutely no comment thereupon is made by this court.

September 21, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO