

**CRWP No. 7436 of 2021**

**Date of Decision: 24.08.2021**

**Salman and another**

**.....Petitioners**

**Vs.**

**State of Haryana and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Ms. Rosi, Advocate,  
for the petitioners.

Mr. Neeraj Poswal, A.A.G., Haryana.

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

Pursuant to notice of motion having been issued on the last date of hearing, a reply has been filed on behalf of the respondent (State) by way of an affidavit of the Deputy Superintendent of Police, Headquarter, Nuh, dated 21.08.2021, which is ordered to be taken on record.

As per the said affidavit, the date of birth of petitioner no. 2 was found to be recorded as 14.08.2005 thereby making her slightly short of 16 years of age on the date that she and petitioner no. 1 allegedly contracted a marriage with each other, i.e. 16.07.2021.

In support of proof of her age, the certificate shown to be issued by the Head Master, Government Primary School, Shahpur, Nuh, dated 17.08.2021, has been annexed as Annexure R-5 with the affidavit, wherein it is stated that as per the admission and leaving register of the school, her date of birth is as recorded above.

It has also been stated in the affidavit that the statement of respondent no. 6, who is shown to be the uncle of petitioner no. 2, was recorded to the effect that he has no objection to her marriage with petitioner no. 1.

Learned counsel for the petitioners also submits that presently at least the petitioners are not apprehending any danger to their lives and liberty.

That being so, this petition has been rendered infructuous.

As regards the question of whether proceedings should be initiated against them under the provisions of the Prohibition of Child Marriage Act, 2006, *prima facie*, at least it would be seen that petitioner no. 2 is shown to be less than 18 years of age as on the date of the marriage; and with counsel for the petitioners also not having pointed to any provision in the said Act exempting any minor on the basis of her/his religion/faith, from the provisions of that Act, naturally proceedings under that Act will not be held to be barred by this court, as all offences punishable under the provisions of that Act are cognizable offences as per Section 15 thereof, as already observed in the last order.

With the aforesaid observations, this petition is disposed of as having been rendered infructuous.

Naturally, however, if the petitioners apprehend any threat to their lives and liberty at any stage, protection of such life and liberty being a basic fundamental right enshrined in Article 21 of the Constitution of India, they would approach the Superintendent of Police concerned who would ensure that such life and liberty is duly protected whether or not any

proceedings under the provisions of the Act of 2006 are initiated.

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|---------------------------|---------------------|
| August 24, 2021           | (AMOL RATTAN SINGH) |
| nitin                     | JUDGE               |
| Whether speaking/reasoned | Yes                 |
| Whether Reportable        | No.                 |