

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

CRWP-9787-2021 (O&M)

Date of decision: 13.10.2021

Manjur Ali and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Liaqat Ali, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No. 1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No. 4 to 7.

Learned counsel for the petitioners states that both the petitioners belong to *Muslim* community and as per *Muslim Law* both the petitioners are major and have married against the wishes of respondents No. 4 to 7 and have sought protection to their life and liberty. They apprehend danger at the hands of respondents No. 4 to 7. The certificate (*Nikahnama*) and the photographs evidencing their marriage are on record as Annexures P-3 and P-4 respectively. Petitioner No. 2 has submitted a representation dated 04.10.2021 (Annexure P-5) to respondent No. 2-Senior Superintendent of Police, Malerkotla.

In support of his contentions, learned counsel for the

petitioners relies upon the judgment passed by a Coordinate Bench of this Court in '**Kammu Vs. State of Haryana and others**', **2010 (4) R.C.R. (Civil) 716**, wherein at *Para No. 20*, it was held that *as per the text Book of Mohammedan Law by Aqil Ahmad, "Puberty and majority are in the Muslim law one and the same. The presumption is that a person attains majority at the age of 15 years. It should be noted that marriage of a minor without the consent of the guardian is invalid unless it is ratified after the attainment of majority. A boy or girl who has attained puberty is at liberty to marry any one he or she likes and the guardian has no right to interfere if the match be equal.*

Notice of motion to respondents No. 1 to 3 only.

On the asking of this Court, Mr. H. S. Sitta, AAG Punjab, accepts notice on behalf of respondents No. 1 to 3 only.

Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the petition with directions to respondent No. 2-Senior Superintendent of Police, Malerkotla, to decide the representation dated 04.10.2021 (Annexure P-5) of petitioner No. 2 and grant protection to the petitioners, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any, committed by them.

(HARNARESH SINGH GILL)
JUDGE

13.10.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No