

**CRWP-9713-2021****Date of Decision: 12.10.2021****Rupinder Kaur and another****.....Petitioners****Vs.****State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Sanjeev V. Virk, Advocate,  
for the petitioner.

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

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 6, upon them having married each other (as contended) against the wishes of the said respondents, on 07.10.2021.

Upon query to learned counsel for the petitioners, he submits that though petitioner no. 2 was earlier married, he has already obtained a divorce from his first wife, upon a petition under the provisions of Section 13-B of the Hindu Marriage Act, 1955, having been filed by them, with the copy of that judgment annexed as ;Annexure P-6 with the petition, such judgment being one dated 27.08.2021. (Though the decree of divorce itself has not been annexed with the petition, but the judgment itself obviously states to that effect).

As regards petitioner no. 1, it is stated to be her first marriage.

On a specific query put to learned counsel for the petitioners, it has been stated that they are not in any prohibited '*sapinda*' relationship to each other. He states that he has obtained specific instructions from the petitioners in that regard.

As regards the age of the petitioners, there is no firm proof of age of either of them other than their Aadhar Cards, which is actually no 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.

Hence, if upon verification, the age of any of the petitioners is found to be below the 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 that Act being cognizable in terms of Section 15 thereof.

Be that as it may, since this petition is only seeking protection of life and liberty of the petitioners, without making any comment on the actual validity of the marriage and protection of life and liberty is a basic fundamental right of every citizen enshrined in Article 21 of the Constitution of India, 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.

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 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.

**October 12, 2021**  
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Whether speaking/reasoned  
Whether Reportable

**(AMOL RATTAN SINGH)**  
**JUDGE**

Yes  
No.