

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

135

**CRWP No.9904 of 2021
Date of Decision: 14.10.2021**

Sharanjeet Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harpal Singh Sidhu, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 to 8, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 13.10.2021.

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, nor has any of them been married earlier. She states that she has obtained specific instructions from the petitioners in that regard.

Consequently, since protection of life and liberty is a fundamental right of every citizen under Article 21 of the Constitution of India, without making any comment whatsoever on the validity of the marriage, 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.

Though the petitioners are shown to be well above the age of majority, i.e. 23 years and 26 years of age respectively, however there is no firm proof of age of either of the petitioners 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 the Aadhar card or the issuance thereof.

Hence, if upon actual verification, the age of the petitioners, especially petitioner no.1, is found to be below marriageable age in terms of the Prohibition of Child Marriage Act, 2006, this order will not bar proceedings under the provisions of that Act, all offences punishable under the provisions of the said Act being cognizable in terms of Section 15 thereof.

Of course, it is to be observed that in terms of Section 3 of the said Act, a marriage performed by a child (as defined under that Act), may not be void but only voidable upon the said minor attaining maturity, however, that still does not bar proceedings under that Act for entering into a marriage before the legally marriageable age as per the Act.

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.

It is to be noticed that the petition is being disposed of today itself vide the above order, it is after hearing learned counsel appearing for respondents no.4 to 8 (Mr. Ashok K. Sharma, Advocate), with no person having been impleaded as respondent no.6.

He has produced in court today an Aadhar card bearing no.481228544408 (shown to be issued in the name of one Sharanpreet Kaur, with her date of birth shown to be 1998).

He then points to Annexure P-1 which is shown to be a typed copy of an Aadhar card of the same number giving therein the name “Sharanjeet Kaur”, with her date of birth given as 13/04/1998, rather than the just year of birth.

However, upon specific query to learned counsel for the said respondents, he does deny that petitioner no.1 at least is above 18 years of age and actually above the marriageable age.

As regards any prohibited sapinda relationship, he submits that both belong to the same village as well as community, but he is not sure as to whether they are in such prohibited relationship or not.

That being so, if it is found that the petitioners are in any sapinda relationship to each other, naturally this order would not bar appropriate proceedings in that regard, qua the validity of the marriage or otherwise.

It is also clarified that if there is any doubt on the identity of either of the petitioners, or that they have forged an Aadhar card, this order would also not bar any proceedings as per law in that regard, including investigation by the police qua any forgery alleged.

October 14, 2021

dinesh

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No