

CRM-W-17 of 2021 in/and
CRWP No. 10255 of 2020
Date of Decision: 07.01.2021

Manpreet Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pardeep Kumar Kapila, Advocate, for the petitioner.

Mr. Bhupinder Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

On 09.12.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks issuance of a direction to respondents no. 2 and 3, i.e. the Senior Superintendent of Police, Hoshiarpur and the Station House Officer, Police Station Malpur, District Hoshiarpur, to protect her life and liberty, at the hands of respondents no. 4 and 5 (who are stated to be her parents), as she has taken shelter with the person whom she wishes to marry (against her parents' wishes) after attaining the age of majority.

Learned counsel for the petitioner submits that the petitioners' parents, i.e. respondents no. 4 and 5, are forcing her to get married to someone whom she does not wish to get married to and she has taken shelter with the person who she has shown as a guardian in the petition, i.e. Avtar Singh, whom she wishes to marry upon attaining the age of majority.

Upon query to counsel as to the age of the aforesaid Avtar Singh, he submits that at the present moment he has only his Aadhar card to show that he is above 21 years of age.

It is to be observed that an Aadhar card is no firm proof of age, in view of the fact that at the time when an application for such card is made, no birth certificate or educational qualification certificate showing the age of a person is asked for, and the date of birth on any Aadhar card, issued so far at least, is simply given as per what is stated in the application (without any proof thereof), by the applicant.

Consequently, before the next date of hearing, counsel for the petitioner would place on record firm proof in the form of a certificate issued by a recognized State Board of Education, showing the date of birth of the aforesaid Avtar Singh, with of course the matter of whether at all he can be treated to be her legal guardian without him having married her, to be considered on that date.

However, since the allegation is that the petitioner is allegedly being married off to somebody forcibly by her parents, i.e. respondents no. 4 and 5, notice of motion is issued to the respondents.

On the asking of the court, Mr. Amar Ashok Pathak, Addl. A.G., Punjab, accepts notice on behalf of respondents no. 1 to 3.

A copy of the petition be emailed to learned State counsel by counsel for the petitioner today itself.

Adjourned to 07.01.2021.

Respondents no. 4 and 5 be served by way of normal process by the next date of hearing.

Learned State counsel submits that the instructions he has received are also to the same effect as has been stated by learned counsel for the petitioner.

A gazetted officer is directed to file a reply to the petition before the next date of hearing and in the meanwhile it shall be ensured that the petitioner is not married off to anybody whom she does not want to marry.

Of course it is to be noticed that in terms of Section 6 of the Hindu Minority and Guardianship Act, 1956, the legal guardian of an unmarried girl is firstly her father and thereafter, her mother.

However, looking at the allegations made in the petition (without making any comment on the actual merits of the case), since the parents are the ones whom the petitioner is making allegations against, presently nothing further is stated on that issue till the reply on behalf of the State is received, and till the petitioner files proof of age of the aforesaid Avtar Singh.”

Today, learned counsel for the petitioner submits that the petitioner is now back with her parents, who have undertaken that they would not marry her off except with her consent, after she attains marriageable age, she being slightly over 17 years of age (as per learned counsel).

He therefore submits that the petitioner no longer wishes to pursue this petition.

Dismissed as withdrawn.

CRM-W-17-2021 in CRWP No. 10255-2020

In view of the fact that the above petition itself has been withdrawn, this application has been rendered infructuous and therefore disposed of as such.

January 07, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.