

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

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CRWP-7289-2022 (O&M)

Date of Decision: 05.08.2022.

Rajwinder Kaur and another

....Petitioners.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kunal R. Choksi, Advocate for the petitioners.

Amol Rattan Singh, J. (Oral)

This court having asked for firm proof of age of the petitioners as per order dated 29.07.2022, in view of the fact that an Aadhaar Card is no such firm proof with no documentary proof asked for by the concerned authority at the time when such card was applied for only, the petitioners have now filed CRM-W-995-2022, seeking to place on record a copy of what is shown to be the Matriculation Examination Certificate in respect of petitioner No.2, with his date of birth shown to be 20.01.2000, thereby making him more than 22 years of age.

However, there is still no such firm proof of age of petitioner No.1, with learned counsel submitting that all her documents are with her parents, where she cannot go back.

The application is allowed subject to all just exceptions and a copy of the aforesaid certificate, Annexure P-6, is ordered to be taken on record with the accompanying petition.

Main case

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no.4 & 9, upon the petitioners having married each other (as contended) against the wishes of the said respondents, on 17.07.2022.

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. He states that he has obtained specific instructions from the petitioners in that regard.

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.

Yet, it is made absolutely clear that if, upon verification, the age of either of the petitioners is found to be less than the legally marriageable age prescribed 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, the offences committed under the provisions of that Act being cognizable in terms of Section 15 thereof.

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.

(AMOL RATTAN SINGH)
JUDGE

05.08.2022

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No