

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:150838
CRWP-10956-2023

Date of Decision: November 28, 2023

Ilma and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kulwinder S. Lakhanpal, Advocate for the petitioners.

DEEPAK GUPTA, J.(Oral)

Petitioner No.1 is stated to be aged about 19 years, whereas petitioner No.2 is stated to be aged 17 years. Both of them belong to Muslim community. They are stated to have performed marriage on 26.10.2023. Now feeling threatened to their life and liberty from private respondent Nos.4 to 10, they have prayed for granting them necessary protection through official respondent Nos.1 to 3.

2. Notice of motion to respondent Nos.1 to 3 only.

3. Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent Nos.1 to 3-State.

4. It is rightly pointed out by learned State counsel that petitioner No.2 Naved being less than 18 years of age, so prima facie, he has violated the provisions of Prohibition of Child Marriage Act, 2006 (for short '2006 Act').

5. Learned counsel for the petitioners has referred to *"Husan Bani and another v. State of Punjab and others"*, Law Finder Doc Id # 1933334, so as to contend that in that case also, the boy was aged 16 years and the boy was aged 17 years. Both of them belonged to Muslim community and that couple was held entitled for protection of life and liberty.

6. By relying upon Husan Bano’s case (*supra*), official respondents are directed to assess the threat perception to the life and liberty of the petitioners and provide them necessary protection as deemed appropriate, but at the same time, it is made clear that such protection would not bar proceedings under 2006 Act, as all the offences punishable under the Act are cognizable in terms of Section 15 thereof.

Disposed of.

November 28, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No