



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

CRWP-9249-2025

Date of decision: 26.08.2025

ANNU AND ANR.

....Petitioners

Versus

STATE OF PUNJAB AND ORS.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Vimal Kumar Gupta, Advocate for the petitioner.

....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The petitioners have filed the instant petition with a prayer to direct the respondents No.2 to 4 to protect the life and liberty of the petitioners and also directing the respondents No.5 to 8 not to interfere in their lives and liberty. Learned counsel for the petitioners submits that the petitioners have already submitted a representation dated 23.08.2025 (Annexure P-5) to the Senior Superintendent of Police, SAS Nagar (Mohali) and they shall be satisfied if directions are issued to respondent No.2 to look into their representation dated 23.08.2025 (Annexure P-5).

2. Notice of motion to respondents No.1 to 4, at this stage.

3. On the asking of the Court, Mr. Ravinder Singh, DAG Punjab, who is present in the Court accepts notice on behalf of respondents No.1 to 4.

4. Learned counsel for the petitioners submits that petitioner No.1 – Annu, aged 22 years and petitioner No.2 – Shahban, aged 19 years, have performed marriage on 22.08.2025, as per Muslim rites and ceremonies, against the wishes of their family members, arrayed as respondents No.5 to 8.



5. The copies of Aadhaar card of petitioners (Annexures P-1 and P-2) have been placed on record. Copy of marriage certificate/ Nikahnama has also been placed on record as Annexure P-3.

6. Learned counsel for the petitioners has submitted that both the petitioners are Muslims and are governed by Muslim Personal Law (Shariat) Application Act, 1937. He has further submitted that as per text book of Mohammedan Law by Aqil Ahmad "Puberty and Majority" in the Muslim Law, are one and the same.

7. I have heard learned counsel for the parties.

8. Co-ordinate Bench in ***Kammu vs. State of Haryana and others, 2010 (4) RCR (Civil)*** has held in para No.20 as under:

"As per the Text Book of Mohammedan Law by Aqil Ahmad, 'Puberty and Majority' are in the Muslim law one and the same. The presumption is that a person attains majority at the age of 15 years. It should be noted that marriage of a minor without the consent of the guardian is invalid unless it is ratified after the attainment of majority. A boy or girl who has attained puberty is at liberty to marry any one he or she likes and the guardian has no right to interfere if the match be equal."

9. It will be gainful to reproduce in this regard, what is stated in the Principles of Mohammedan Law by Sir Dinshah Fardunji Mulla, in Article 195 thereof, (10th Edition of 1933): -

*"195. Capacity for marriage.-(1) Every Mahomedan of sound mind, who has attained puberty, may enter into a contract of marriage.
(2) Lunatics and minors who have not attained puberty may be validly contracted in marriage by their respective guardians.
(3) A marriage of a Mahomedan who is sound mind and has attained puberty, is void, if it is brought about without his consent.
Explanation.- Puberty is presumed, in the absence of evidence, on completion of the age of fifteen years." (This Article is shown as Article 251 in Mullahs' Principles of Mahomedan Law, 19th Edition, by M. Hidayatullah)."*



10. In view of the decisions cited above, it emerges that marriage of Muslims is governed by Muslim Personal Law as referred above. As per Article 195 from the book "Principles of Mohammedan Law by Sir Dinshah Fardunji Mulla', a boy or girl who has attained puberty is at liberty to marry any one he or she likes and the guardian has no right to interfere if the match be equal.

11. Moreover, the validity of the marriage in this case is not to be decided by this Court rather the prayer of the petitioners is limited to the extent of protecting their life and liberty at hands of private respondents No.5 to 8, which is to be ensured by this Court.

12. In view of the prayer made by learned counsel for the petitioners and without expressing anything on the merits and claim of the parties, respondent No.2–The Senior Superintendent of Police, SAS Nagar, (Mohali) is directed to depute a senior officer to look into the representation dated 23.08.2025 (Annexure P-5) and after seeking a report, he may pass an appropriate order, in accordance with law. This order shall not be construed as an expression of opinion on the validity of the marriage of the parties. The parties mentioned in the petition or any other person mentioned in the petition shall be at liberty to take recourse to appropriate law, if any.

13. With these observations, this petition is disposed of.

(RUPINDERJIT CHAHAL)
JUDGE

26.08.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No