

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

2025:PHHC:129266



**110**

**CRWP-9321-2025 (O&M)**

**Date of Decision: 17.09.2025.**

Rahul and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Mr. Khalid Tauru, Advocate  
for the petitioners.

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**SUKHVINDER KAUR, J. (Oral)**

Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No.1 to 3 to provide protection of life and liberty to the petitioners, who have married against the wishes of private respondents No.4 to 9.

Learned counsel for the petitioners submits that petitioner No.1 – Rahul, aged 20 years and petitioner No.2 – Ajmira Khatun, aged 16 years and 06 months have performed *Nikah* on 20.08.2025, as per Muslim rites and ceremonies, against the wishes of their family members, arrayed as respondents No.4 to 9. 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.

It has been further submitted that the private respondents are threatening to eliminate the petitioners and they are under constant threat of life and liberty at the hands of respondents No.4 to 9. Both the petitioners have also moved a representation to respondent No.2 on 22.08.2025

(Annexure P4), in this context. Hence, they are seeking protection in that regard and have approached this Court by way of filing the instant petition.

Notice of motion.

On the asking of the Court Mr. R.K. Singla, Addl. A.G., Haryana, accepts notice on behalf of the respondents-State.

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.

Learned counsel for the petitioners has also placed reliance upon Kammu Vs. State of Haryana and others, 2010 (4) R.C.R. (Civil) 716, Muskan Khan and another Vs. State of Haryana and others in CRWP-11016 of 2024, decided on 19.11.2024; Nargis and another Vs. State of Punjab and others, in CRWP-12067 of 2021, decided on 22.12.2021; Mohd. Samim Vs. State of Haryana and others, 2019(1) R.C.R. (Criminal) 685.

A Co-ordinate Bench in Kammu's case (Supra) 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."*

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 Mulla's Principles of Mahomedan Law, 19th Edition, by M. Hidayatullah).”*

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.

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.4 to 11, which is to be ensured by this Court.

The petition is disposed off with a direction to respondent No.2 to look into the representation dated 22.08.2025 (Annexure P-4) at the earliest regarding the threat perception and take necessary steps, if any

required, in accordance with law, to ensure that the life and liberty of the petitioners is not jeopardized at the hands of the private respondents. However, this direction will not validate the marriage said to have taken place between the parties and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

Pending application(s), if any, shall also stand disposed of.

**(SUKHVINDER KAUR)**  
**JUDGE**

**17.09.2025**

*Komal*

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|----------------------------|---|---------|
| Whether speaking/reasoned? | : | Yes/ No |
| Whether reportable?        | : | Yes/ No |