

(2020) 06 P&H CK 0030

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 3684 Of 2020

Km Mamtesh And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 12-06-2020

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2020) 06 P&H CK 0030

Hon'ble Judges : Amol Rattan Singh, J

Bench : Single Bench

Advocate : Jatinder Pal Singh

Judgement

Amol Rattan Singh, J

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.

The petitioners are seeking protection of their lives and liberty at the hands of respondents No. 4 to 7, who are stated to be the parents and other immediate relatives of petitioner no. 1, on account of the fact that they have married each other of their own free will, against the wishes of the said respondents on 02.06.2020. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.

As regards proof of age of the petitioners, copies of their Aadhaar Cards have been annexed with the petition as Annexures P-1 and P-2 respectively.

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.

Consequently, 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, i.e. the Superintendent of Police, Karnal, and the SHO, Police Station City Thana Police, District Karnal, respectively, 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.

Since copies of the Aadhar cards annexed with the petition are no firm proof of age of the petitioners, if the age of either of the petitioners is found to be below the legally marriageable age as contained in the Prohibition of Child Marriage Act, 2006, this order shall not in any manner bar proceedings under the proceedings of that Act.

Naturally, if any of the averments made in the petition are found to be false, again, this order would not prevent any action to be taken as per law.