

(2020) 09 P&H CK 0197

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 7626 Of 2020

Mubarik And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 24-09-2020

Acts Referred:

Prohibition Of Child Marriage Act, 2006 — Section 15

Citation : (2020) 09 P&H CK 0197

Hon'ble Judges : Amol Rattan Singh, J

Bench : Single Bench

Advocate : Mohammad Arshad

Final Decision : Disposed Of

Judgement

Amolrattan 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.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 6, who are stated to be the father and relatives of petitioner no.2, upon them having married each other (as contended) against the wishes of the said respondents, on 21.9.2020.

Upon query, learned counsel for the petitioners submits that though petitioner no.1 is earlier married but obviously being a Muslim, he is not debarred for contracting a second marriage also.

However, as regards petitioner no.2, it is stated to be her first marriage.

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 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.

Since there is no firm proof of age of petitioner no.2, other than her Aadhar card which is actually no proof of age, though life and liberty of the petitioners shall be protected as per law, however if it is found on enquiry that she is less than 18 years of age, then proceedings under the provisions of the Prohibition of Child Marriage Act, 2006, shall be initiated immediately, such offences being cognizable offences in terms of Section 15 thereof, regardless of the religion of any person.