

(2017) 06 P&H CK 0045
In the Punjab And Haryana At Chandigarh
Case No : M-21941 of 2017

Rekha Rani and another

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 14-06-2017

Acts Referred:

Constitution of India, Article 21 -
Amendment of the Schedule

Citation : (2017) 06 P&H CK 0045

Hon'ble Judges : Amol Rattan Singh

Bench : SINGLE BENCH

Advocate : Sunita Nambiar

Judgement

1. The petitioners, who are present in the court, are seeking protection of their lives and liberty at the hands of respondents No.4 to 6, who are stated to be the parents and brother of petitioner No.1, on account of the fact that they have married each other of their own free will, on 13.06.2017. Photographs of what is stated to be a marriage ceremony have been annexed with the petition.
2. As regards age of petitioner No.1, there is no firm proof of her age other than her affidavit (Annexure P-1), stating that her date of birth is 06.11.1996, thereby making her more than 20 years of age.
3. As regards age of petitioner No.2, a copy of the Aadhar Card issued by the Unique Identification Authority of India has been annexed with the petition, (the original of which has not been

produced in Court), showing his year of birth as 1998, thus making him about 19 years of age.

4. 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. She states that she has obtained specific instructions from the petitioners in that regard.

5. Consequently, since protection of life and liberty is a fundamental right of every citizen enshrined in Article 21 of the Constitution of India, 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.

6. However, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to either the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, or with regard to their age, this order shall not be construed to be a bar on any proceedings initiated as per law.

7. However, since petitioner No.2 is below the legally marriageable age on the date of the marriage, it is made clear that proceedings shall be initiated under the provisions of the Prohibition of Child Marriage Act, 2006, and shall continue as per law.