

CRWP-4944-2021 (O&M)

SAHIB AND ANOTHER
VS
STATE OF HARYANA AND OTHERS

Present: Mr. Farukh Abdullah, Advocate, for the petitioners.

This petition has been filed for protection of life and liberty as the petitioners have allegedly got married against the wishes of their respective parents. Petitioner No.2 is stated to be 16 years of age and thus, she is a minor. It is also noticed that this marriage (if it can be called so) is her second marriage. Being a minor, the prohibition contained in Section 12 of the Prohibition of Child Marriage Act, 2006 would be attracted as also the fact that a second marriage of a Muslim girl is void.

Learned counsel for the petitioners has placed reliance upon two Single Bench judgments of this Court in ***Mohd. Samim vs. State of Haryana***, CRWP No.532 of 2018, decided on 26.09.2018 as well as ***Jakar and another vs. State of Haryana and others***, CRWP No.9956 of 2020 decided on 16.12.2020. The judgment in ***Jakar (supra)*** does not refer to the Prohibition of Child Marriage Act, 2006 and I am respectfully not in agreement with the judgment in ***Mohd. Samim (supra)***. However, irrespective of any complaint, the petitioners life and liberty deserve to be protected.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, accepts notice on behalf of respondents No.1 & 2 and waives service.

Mr. S.K. Panwar, Advocate puts in appearance on behalf of respondent No.5. He submits that respondent No.4 has already died.

It is thus, directed that the name of respondent No.4 be deleted from the memo of parties.

Respondent No.2 is directed to take petitioner No.2 in custody and lodge her in the Nari Niketan nearest to her residence. While in the Nari Niketan, she shall be put through counseling in the presence of petitioner No.1 and their respective parents/relatives and a report of the same be sent to this Court on or before the next date of hearing. Meanwhile, it shall be ensured that no harm comes to the life and liberty of the petitioners.

Adjourned to 23.07.2021.

May 31, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

सत्यमेव जयते

