

CNR No: PHHC011478742026

2026:PHHC:128770



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

CRWP-10657-2026 (O&M)
Date of Decision: 10.09.2026

Akbar Khan and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. D.S. Niggha, Advocate,
for the petitioners.

VIKRAM AGGARWAL, J (Oral).

The prayer in the present petition preferred under Article 226 of the Constitution of India is for the issuance of directions to the official respondents to look into the representation dated 30.08.2026 (Annexure P.4) as regards protection of life and liberty of the petitioners. A further prayer has been made to direct the private respondents not to interfere in the life and liberty of the petitioners.

2. Learned counsel for the petitioners submits that both the petitioners are Muslims and are, thus, governed by the Muslims Personal Laws. It is further submitted that the petitioners have known each other for quite some time and having developed liking for each other and have decided to solemnize marriage. It is submitted that the father of petitioner No.2 (girl) was against the said proposal and as such, petitioner

No.2 left her parental home on 22.08.2026 and joined the company of petitioner No.1 and they performed a Nikah/marriage on 22.08.2026 itself, as per Muslim rites and rituals.

2.1 It is further submitted that petitioner No.1 is 26 years of age (his date of birth being 04.09.1999), whereas the age of petitioner No.2 is 17 years and 8 months (her date of birth being 10.01.2009). The copies of 'Aadhaar' cards (Annexures P-1 and P-2) of petitioners No.1 and 2 have been placed on record. Learned counsel submits that under the Muslims Law, puberty and majority are one and the same and there is a presumption that a person attains majority at the age of 15 years. Reliance has been placed upon judgments of Coordinate Benches in **Kammu Vs. State of Haryana and others, 2010(4) RCR (Civil) 716; Mustufa and another Vs. State of Haryana and others (CRWP-1100-2026 decided on 30.01.2026)** and **Zakir Hussain and another Vs. State of Haryana and others (CRWP-8693-2022 decided on 13.12.2023)**.

2.2 Learned counsel submits that as respondents No.4 to 7 (family members of petitioner No.2) are against the said marriage, the petitioners face imminent danger to their life and liberty at the hands of the said respondents. It is further submitted that though the petitioners have already submitted a representation dated 30.08.2026 (Annexure P.4) to respondent No.2, yet no decision has been taken on the same till date.

3. Notice of motion.

4. Mr. Ravinder Singh, DAG, Punjab, accepts notice on behalf of the respondent-State.

5. I have considered the submissions made by learned counsel for the petitioner.

6. Though petitioner No.1 is 26 years of age, the age of petitioner No.2 is 17 years and 8 months. However, the fact remains that the petitioners, being Muslims, are governed by the Muslim Personal Laws. As per Muslim Personal Laws, a boy or girl, who has attained the age of puberty, which happens to be 15 years, is at liberty to marry anyone of his or her liking.

7. Article 195 of the Principles of Mohammedan Law by Sir Dinshah Fardunji Mulla (10th Edition of 1933), defines the capacity for marriage under the Mohammedan Law. The same reads as under:-

“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.”

8. A Coordinate Bench in **Kammu's case (supra)**, while referring to Article 195 (*ibid*) held that 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.

8.1 In **Gulam Deen & Another Vs. State of Punjab and others, 2022(3) Law Herald 1848**, while referring to the judgment in **Kammu's** case (supra), a Coordinate Bench, held as under:-

“The law, as laid down in various judgments cited above, is clear that the marriage of a Muslim girl is governed by the Muslim Personal Law. As per Article 195 from the book 'Principles of Mohammedan Law by Sir Dinshah Fardunji Mulla, the petitioner No.2 being over 16 years of age was competent to enter into a contract of marriage with a person of her choice. Petitioner No. 1 is stated to be more than 21 years of age. Thus, both the petitioners are of marriageable age as envisaged by Muslim Personal Law. In any event, the issue in hand is not with regard to the validity of the marriage but to address the apprehension raised by the petitioners of danger to their life and liberty at the hands of the private respondents and to provide them protection as envisaged under Article 21 of the Constitution of India. Article 21 of the Constitution of India provides for protection of life and personal liberty and further lays down that no person shall be deprived of his or her life and personal liberty except as per the procedure established by law. The Court cannot shut its eyes to the fact that the apprehension of the petitioners needs to be addressed. Merely because the petitioners have got married against the wishes of their family members, they cannot possibly be deprived of the fundamental rights as envisaged in the Constitution of India.”

9. Learned State counsel has not been able to dispute the aforesaid facts and the position of law as laid down in the aforesaid judgments.

10. Under the circumstances, without commenting upon the validity of the marriage, the present petition is disposed of with a direction to respondent No.2- Senior Superintendent of Police (Rural), District Ludhiana, to consider the representation dated representation dated 30.08.2026 (Annexure P-4) and take requisite action, if so warranted, as per the facts and circumstances of the matter, in accordance with law.

(VIKRAM AGGARWAL)
JUDGE

10.09.2026
ds

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No