

Court No. - 80

Case :- WRIT - C No. - 25103 of 2024

Petitioner :- Smt Manjali Devi And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Bilas Prasad

Counsel for Respondent :- Awadhesh Tiwari,C.S.C.

Hon'ble Vinod Diwakar,J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State -respondents, learned counsel for the opposite party no. 4 - father of petitioner no.1, and perused the record.

2. The petitioners have preferred the instant petition to seek direction to the police/respondents to take appropriate measures to protect the petitioners' life and property. The petitioners claim to have married on 15.06.2024 at Arya Sanatan Dharm Seva Samiti (Registered), situated at Yamuna Vihar, Foundry Nagar, Agra (U.P.), in the presence of the wife, Shri Acharya Pankaj Dwivedi.

3. Learned counsel for the petitioners submits that petitioner no.1's date of birth is 07.10.2003 (21 years) and petitioner no.2's date of birth is 01.01.1995 (29 years) and, therefore, both were major at the time of solemnization of marriage. Both the petitioners have relied upon the Aadhar Card bearing Nos.914327385608 and 573207844801, respectively, issued by the Unique Identification Authority of India. He next submits that the marriage was solemnised in accordance with requirements of Section 5 of the Hindu Marriage Act, 1955 and placed reliance upon a marriage certificate issued by Arya Sanatan Dharm Seva Samiti (Registered) on 15.06.2024. A joint undertaking was also issued by the petitioners, Pramukh Acharya and the Secretary of the Arya Sanatan Dharm Seva Samiti, claiming that the marriage was performed in accordance with the Hindu rites and rituals, and the petitioners shall be responsible for the documents submitted by them.

4. Shri Ashwani Kumar Tripathi, learned Additional Chief Standing Counsel, raised serious doubt regarding the genuineness/authenticity of the Aadhar Card of petitioner no.1 and other documents annexed with the petition. Under such circumstances, the concerned SHO was directed to verify the Aadhar card of petitioner no.1 and other documents annexed with

the petition and the marriage certificate issued by Arya Sanatan Dharm Seva Samiti, Agra. A notice was also issued to respondent no.4 - father of petitioner no.1, to appear before this Court along with the age proof of petitioner no.1.

5. In compliance with the order dated 02.08.2024, a report was furnished by the SHO PS Saifai, Etawah, stating that the actual date of birth of petitioner no.1 is 08.09.2011 in accordance with SR Register maintained by Prathmik Vidyalaya, Nagla Semra, Saifai, Etawah and petitioner no.1 is a permanent resident of Nagla Semra, Mauja Hardoi, PS Saifai District Etawah, and she was unmarried before 15.06.2024. The SHO, PS Saifai, has recorded the statement of Village Pradhan, Gram Panchayat Hardoi; incharge Principal, Prathmik Vidyalaya Nagla Semra, Saifai; and Secretary, Arya Sanatan Dharm Seva Samiti. An application for registration of marriage, notary affidavit of the petitioners claiming their age as 20 years 08 months and 29 years 05 months, respectively, on the date of marriage as per Aadhar Cards of the petitioners. During police inquiry, it's revealed that there are two Aadhar Cards of petitioner no.1.

6. An affidavit is also filed by the respondent no.4 stating that the petitioner no.1 was 12 years 08 months old at the time of solemnization of the marriage and studied up to class-5.

7. On perusal of the documents placed before the Court comprising **(i)** the report of SHO, PS Saifai Etawah and **(ii)** the affidavit filed by opposite party no.4- father of the petitioner no.1, it's admitted that the girl/petitioner no.1 was 12 years, 09 months and 07 days old. Essentially, petitioner No. 1 was a minor, and the marriage was solemnized in contravention of the provisions of the Child Marriage Restraint Act of 1929. Petitioner no.2 has procured the forged Aadhar Card of petitioner no.1, showing her date of birth as 07.10.2003; forged and fabricated affidavits have been sworn, and a fake undertaking was executed.

8. Shri Ashwani Kumar Tripathi, learned Additional Chief Standing Counsel states that every day this Court is burdened with protection petitions based on forged documents. The Aadhar Cards are easily procured, and the office bearers of trust/societies, in connivance with Purohits, solemnise the fake marriage for financial gains. Like in the instant case it could be apparently seen from the child's physical appearance that she is a minor of around 12 years of age. The Purohit, who solemnised the marriage, and the Secretary of the trust intentionally, for financial gains, solemnised the marriage by completing the paper formalities. At

first glance, it was the duty of the Purohit and the Secretary of the Arya Sanatan Dharm Seva Samiti to assess whether the girl was major or not. In the instant case, any person having reasonable common sense would apparently, on seeing the child from naked eyes, come to a conclusion that the child is not of the marriageable age at all. He next submits that an organised gang of such Societies/Trust has unexpectedly popped up in Uttar Pradesh, which are involved in such anti-social and anti-religious activities and facilitates all incidental services like procuring forged Aadhar Cards, making forged documents to procure fake marriage certificate, arrange Purohits and registered bogus Trust/Societies for illegal financial gains.

9. Admittedly, the child was 12 years, 09 months 07 days at the time of alleged marriage. The effects of child marriage on around 12-year-old children are devastating, both psychologically and physically. These young brides are thrust into a world of adult responsibilities for which they are neither emotionally nor physically prepared. The psychological trauma and physical health risks they face have long-term consequences, not only for the individual child but for the society as a whole. The physical demands of pregnancy, combined with nutritional deficiencies, can lead to stunted growth in child rights, leading to long-term health issues like malnutrition, anaemia and maternal motility.

10. Based on the forgoing discussions, it is directed that **(i)** an FIR be registered at PS Saifai District Etawah against the petitioner no. 2 and the Purohit, who performed the marriage in contravention of provisions of Child Marriage Restrain Act, and Secretary of the Arya Sanatan Dharm Seva Samiti (Registered), situated at Yamuna Vihar, Foundry Nagar, Agra (U.P.) in accordance with law, **(ii)** the petitioner no.2 (Shravan s/o Shri Sri Niwas) present in the Court be detained and custody be handed over to SHO, PS Saifai, District Etawah for necessary action, **(iii)** the scope of the investigation may be enlarged to find out as to from where the Aadhar Card of petitioner no. 1 was procured etc., **(iv)** the role of the document writer may also be investigated, **(v)** the petitioner no.1 be handed over to Child Welfare Committee, Etawah for keeping the child in safe environment and accordingly counselling session be conducted by experts, **(vi)** the steps be taken for the welfare and rehabilitation of the child in accordance with the Government Schemes, and **(vii)** the S.S.P. Etawah shall supervise the investigation and ensure the compliance.

11. Put up this case as fresh on 11.09.2024 for compliance.

12. The Registrar (Compliance) shall positively transmit a copy of this order forthwith to the authorities concerned for immediate compliance.

Order Date :- 3.9.2024

Anil K. Sharma

Justice Vinod Diwakar