

MHKO050010962026



Cri.M.A. No. 68/2026
Rural Development Officer and Child Marriage
Prevention Officer Shri Dipak Pradip Patil
Vs.
Smt. Sita Amol Bhadale and others.

Order Below Exh. 1

Applicant has filed this application under Section 13 of the Prohibition of Child Marriage Act, 2006 for grant of prohibiting injunction.

02. It is submitted that, applicant is the Child Marriage Prevention Officer, working at Village Rui, Tal. Hatkanangale, Dist. Kolhapur. Respondent No. 1 Sita Amol Bhadale is mother of child Kum. Sneha Amol Bhadale. Respondent No. 1 has fixed marriage of child Sneha with respondent No. 2 Gundappa @ Krushna Shankar Gundad. Respondent No. 3 Shankamma Shankar Gundad is mother of respondent No. 2.

03. As per Section 2 of the Prohibition of Child Marriage Act, 2006, "Child" means if a male, has not completed 21 years of age and if a female, has not completed 18 years of age. In this case, child Sneha born on 06/02/2011. She is educated upto 10th Standard. Now she is 15 years old. On 03/02/2026 applicant received information through Child Helpline, Kolhapur that, child

marriage is being solemnized at Rui. Then immediately applicant, Sarpanch of Village Rui, Police Patil, Anganwadi Sevika etc. went on the spot. Where they found preparation of marriage of child Sneha with respondent No. 2 were going on. Applicant has demanded Birth Certificate of Sneha and he found that, her date of birth is 06/02/2011 and she has not completed 18 years of age. Applicant has given them written understanding and produced them before Child Welfare Committee, Kolhapur.

04. Financial condition of child Sneha is poor. Recently, she lost her father. By taking disadvantage of said situation, respondent No. 3 tried to solemnize marriage of her 32 years old son with child Sneha. Respondent Nos. 2 and 3 trying to pressurize and allure the respondent No. 1 to compel them to perform said marriage. Hence, applicant prayed that prohibiting injunction order may be issued against respondents. Hence, applicant prayed to allow the application.

05. Present application is filed online. Heard applicant and Learned Advocate Shri. A. U. Bhavake for the applicant. Respondent Nos. 1 to 3 also present in the Court. They have also filed undertaking that, till the completion of 18 years of child Sneha, they will not perform her marriage.

06. For ready reference, I reproduce Section 13 of the Prohibition of Child Marriage Act, 2006 as under-

13. Power of Court to issue injunction prohibiting child

marriages.

(1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnized, such Magistrate shall issue an injunction against any person including a member of an organization or an association of persons prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organization having reasonable information, relating to the likelihood of taking place of solemnization of a child marriage or child marriages.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *suomotu* cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnization of mass child marriages on certain days such as Akshaya Trutiya, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnization of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member of any organization or association of persons unless the Court has previously given notice to such person, members of the organization or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of

appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

07. Section 14 of above Act provides that, any child marriage solemnized in contravention of an injunction order issued under Section 13, whether interim or final, shall be *void ab initio*.

08. Applicant has also produced / uploaded letter issued by Child Helpline Kolhapur, Letter issued by Gram Panchayat Rui to respondent No. 1, Report submitted by applicant, Birth Certificate of Child Sneha, Intimation Letter issued by District Legal Services Authority, Kolhapur and copy of Identity Card of applicant.

09. On perusal of Birth Certificate of child Sneha, it appears that, her date of birth is 06/02/2011. It means that, presently she is 15 years old. In such circumstances, considering

the documents uploaded and after hearing the parties, I deemed fit to grant prohibiting injunction to restrain the respondents from performing marriage of Child Sneha till her completion of 18 years of age. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. Respondent Nos. 1 to 3 or any other person acting or purporting to act on their behalf are hereby prohibited to perform marriage of Child Sneha Amol Bhadale till her completion of 18 years of age.
3. Breach of above prohibiting injunction order shall be punishable as per Section 13(10) of the Prohibition of Child Marriage Act, 2006
4. Accordingly, Cri.M.A. No. 68/2026 is disposed off.

Ichalkaranji.
Date : 13/03/2026

(Akshay. R. Kulkarni)
Judicial Magistrate First Class,
Court No.4, Ichalkaranji.

Certificate

I affirm that the contents of the P.D.F. file judgment are same, word to word, as per the original judgment.

Name of Stenographer	Prachi P Ichalkaranjkar.
Name of Court	A. R. Kulkarni 4 th Jt. C. J. J. D. & J. M. F. C. Ichalkaranji.
Date of Decision	13/03/2026
Order signed by the P.O. on	13/03/2026
Order uploaded on	13/03/2026