

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPCRL No.1038 of 2026</u></p> <p><b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. B.D. Pande and Ms. Khushi Chaudhary, learned counsel for the revisionist.</p> <p>2. Mr. Deepak Bisht, learned Deputy A.G. and Mr. Virendra Singh Rawat, learned A.G.A. for the State.</p> <p>3. Mr. Faizan Ali, learned counsel for respondent nos.4 to 8.</p> <p>4. Present writ petition under Article 226 of the Constitution of India has been filed by the petitioners seeking a direction to respondent nos. 1, 2 and 3 to provide adequate protection to their life and liberty and to restrain respondent nos. 4 to 8 and their associates from harassing, threatening or interfering with the peaceful life of the petitioners in any manner.</p> <p>5. Learned counsel for the petitioners would submit that petitioner no.1 and petitioner no.2 were in a relationship and have solemnized their marriage (Nikah) on 20.04.2026 in accordance with Muslim rites and customs. He would further submit that respondent nos. 4 to 8, who are the father and other close relatives of petitioner no.1, are opposed to the said marriage and, therefore, the petitioners apprehend danger to their life and liberty at their hands, therefore, on the aforesaid basis, protection has been sought from this Court.</p> <p>6. Per contra, learned counsel appearing for respondent nos. 4 to 8 would submit that petitioner no.1 was a minor on the date of the alleged marriage and continues to be a minor</p>

even as on date. In support of his contention, he has placed reliance upon the birth certificate issued by the Department of Medical Health and Family Welfare, Nagar Palika Parishad, Manglaur, wherein the date of birth of petitioner no.1 is recorded as 10.02.2010; that, reliance has also been placed upon the first school admission register and the Transfer Certificate of Class V of petitioner no.1, which likewise record her date of birth as 10.02.2010. It is, therefore, contended that petitioner no.1 was approximately 16 years and 2 months of age on the date of the alleged Nikah and, consequently, the marriage is not legally valid.

7. In reply, learned counsel for the petitioners would submit that the Aadhaar Card of petitioner no.1 records her date of birth as 01.01.2008, therefore, on the basis of the said document petitioner no.1 had attained majority on the date of marriage and was about 18 years and 3 months of age when the Nikah was solemnized, therefore, according to the petitioners, the marriage is lawful and valid.

8. Learned counsel for respondent nos.4 to 8 disputes the authenticity and evidentiary value of the Aadhaar Card and submits that there are material discrepancies regarding the date of birth of petitioner no.1, which require proper verification by the competent authorities.

9. Heard learned counsel for the parties and perused the material available on record.

10. Present petition raises a serious dispute regarding the age of petitioner no.1 as the Aadhaar Card produced by the petitioners reflects her date of birth as 01.01.2008, the

birth certificate and educational records produced by respondent no.4, who is the father of petitioner no.1, indicate her date of birth as 10.02.2010. In view of such conflicting documents, the actual age of petitioner no.1 cannot be conclusively determined at this stage and requires verification by the competent authority.

11. Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 prescribes the procedure for determination of age where doubt exists regarding whether a person is a child or not. The provision lays down a hierarchy of evidence for age determination, namely: (i) the date of birth certificate from the school, or the matriculation/equivalent certificate from the concerned Examination Board, if available; (ii) in the absence thereof, the birth certificate issued by a Corporation, Municipal Authority or Panchayat; and (iii) only in the absence of the aforesaid documents, age may be determined through an ossification test or any other recognised medical age determination test.

12. Petitioner no.1 and respondent no.4 (father of petitioner no.1) are present before the Court. Upon interaction with petitioner no.1, she has unequivocally stated that she is not willing to accompany her father.

13. Having regard to the disputed question relating to the age of petitioner no.1 and considering her safety, welfare and expressed wishes, this Court is of the opinion that appropriate interim arrangements are required till the authenticity of the relevant documents is examined by the competent authorities and her age is determined in accordance with law.

		<p>14. Accordingly, it is directed that petitioner no.1 shall, for the present, be accommodated in the Government Shelter Home (Nari Niketan/Jila Mahila Sharanalay), Haldwani, District Nainital, where all necessary facilities, care and protection shall be provided to her.</p> <p>15. The State authorities shall undertake verification of the documents relating to the age of petitioner no.1 strictly in accordance with Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and shall place the outcome of such verification before this Court on or before the next date fixed.</p> <p>16. Learned counsel for the petitioners and the private respondents shall furnish copies of all relevant documents to the learned State Counsel forthwith.</p> <p>17. The age of petitioner no.2 is not in dispute and he is admittedly a major. Accordingly, respondent no.3, the Station House Officer, Police Station Kotwali Manglaur, District Haridwar, shall assess whether there is any threat to the life and liberty of the petitioner no.2. If any genuine threat is found, necessary protection shall be provided to him in accordance with law. The Station House Officer shall also ensure that no person unlawfully interferes with, threatens, harasses, or coerces the petitioner no.2 on account of his marriage. If required, the concerned persons may be called and suitably advised to maintain peace and not to interfere with the petitioner no.2 life and liberty.</p> <p>18. In order to ensure the safety and welfare of petitioner no.1, this Court directed Ms. Janki Verma, Addl. Sub-Inspector</p>
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attached to this Court, to take necessary steps for her safe custody and to facilitate her admission to the Government Shelter Home (Nari Niketan/Jila Mahila Sharanalay), Haldwani, District Nainital, in accordance with law.

19. Ms. Janki Verma, Addl. Sub-Inspector attached to this Court, submitted before the Court that she shall hand over petitioner no.1 to the Station House Officer, Police Station Mallital, District Nainital. The Station House Officer shall thereafter ensure her safe custody, transportation, and admission to the Government Shelter Home (Nari Niketan/Jila Mahila Sharanalay), Haldwani, District Nainital, strictly in accordance with law and without any delay.

20. Petitioner no.1 shall be permitted to participate in the proceedings on the next date through Video Conferencing. The Superintendent/In-charge of the Government Shelter Home (Nari Niketan/Jila Mahila Sharanalay), Haldwani, District Nainital, shall make necessary arrangements to facilitate her appearance before this Court through Video Conferencing.

21. List this matter on 11.06.2026.

22. A copy of this order be supplied to learned counsel for the parties and transmitted forthwith to the concerned authorities for necessary compliance.

**(Alok Mahra, J.)**

04.06.2026