

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

CRM-M-17572-2015

Date of Decision: August 24, 2015.

Arju and another

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Amit Chaudhary,Advocate
for the petitioners

Mr.D.R.Singla,DAG, Haryana

Mr.Sukhvinder Singh Nara, Advocate
for respondents No.4 and 5

M.M.S.BEDI, J.(Oral)

This is a petition for protection of Arju and Dalip Chand claiming themselves to be married to each other.

The application has been opposed by the private respondents alleging that petitioner No.2 is cousin maternal uncle of petitioner No.1 and falls within prohibited degrees being in spinda relationship.

I have heard the counsel for the parties and have considered the above facts and circumstances of the case.

In view of judgment of Supreme Court in **Seema vs. Ashwani 2006(2) SCC 578** the petitioners can not be considered as wife and husband as their marriage which is compulsorily required to be registered is not

established to have been registered. As such though the petitioners as wife and husband are not entitled to any relief, yet petition No.1 in her individual capacity as a citizen of India can be granted the liberty that she being a major individual will not be compelled by any of the respondents forcibly to stay at a particular place under compulsion. In the light of Article 21 of the Constitution of India she is granted, in her individual capacity, protection of her life and liberty. In similar manner petitioner No.2 not being recognised her husband only can avail his remedy independently in case there is any infringement of his life and liberty if there is no case of abduction, kidnapping or rape against him.

Disposed of in the aforesaid terms.

It will be open to the official respondents to arrest respondent No.2 on the basis of allegations of abduction against him, if any.

August 24, 2015.
TSG

(M.M.S.BEDI)
JUDGE