

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
CRM- M No. 17900 of 2015 (O&M)
Date of decision : June 1, 2015

Parminder Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:

HON'BLE MR. JUSTICE AMIT RAWAL

Present:-

Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Yatinder Sharma, Additional
Advocate General, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The present petition has been filed on behalf of the petitioners seeking protection to their life and liberty owing to the fact that they have performed marriage which is against the wishes of the parents particularly of the wife and they have a threat that they may not be killed by respondent Nos. 5 and 6.

This Court while entertaining the petition on 27.5.2015 passed the following order:-

Instant petition has been filed under Section 482 Cr.P.C seeking directions to the official respondents for protection of life and liberty of the petitioners, who have got married against the wishes of their elders.

Placed on record are documents at Annexures P-1 and P-2, which would, on the face of it, demonstrate that both the petitioners are major. Counsel for the petitioners would submit that today

in the morning while the petitioners were proceeding towards the Court to be physically present, petitioner no.1 i.e. Parminder Kaur has been forcibly taken away by her parents i.e. Respondents no.5 and 6 as also some other relatives.

Notice of motion, confined only to respondents no.1 to 4, at this stage.

On the asking of the Court, Mr. Nikhil K. Chopra, learned D.A.G., Punjab accepts notice on behalf of respondents no.1 to 4. A complete copy of the petition has been furnished to him.

List on 1.6.2015.

In the meanwhile, directions are issued to respondent no.4 i.e. S.S.P., Barnala to ensure presence of petitioner no.1 on the adjourned date.

A copy of this order be furnished to learned State counsel under the signatures of Bench Secretary.

Mr. Yatinder Sharma, Additional Advocate General, Punjab submits that no doubt that the girl was taken into custody by her parents and a FIR bearing No. 80 dated 27.5.2015 under Sections 363,366,376 had been registered with Police Station Model Town, Ludhiana and thereafter she suffered a statement before the Magistrate on 29.5.2015 that the aforementioned FIR has been registered under pressure upon her from her parents whereas there was no case of abduction or kidnapping her, much less commission of offence under Section 376 IPC. She on her own will and without any fear had gone with the petitioner after solemnization of the marriage.

Copy of the FIR and statement has been passed on to the Court, which is taken on record.

The Mr. Yatinder Sharma, Additional Advocate General, Punjab on instructions from Mr. Baljit Singh, SHO, Police Station District Barnala submits that the custody of petitioner No.1 has been handed over to aunt of petitioner No.2 and both the petitioners are residing together.

Learned counsel for the petitioner submits that the aforementioned statement made by the State counsel is correct and now the custody of petitioner No.1 has been handed over to petitioner No.2 through his aunt.

Learned counsel for the petitioners submits they have submitted a representation dated 23.5.2015 (Annexure P-5) to the Senior Superintendent of Police, Jalandhar, Rural, Punjab.

The respondent Nos.2 to 4 are directed to look into the representation of the petitioners and provide the protection to the life and liberty of the petitioners who have a threat at the hands of respondent Nos. 5 and 6 by providing adequate security in case the necessity arises.

The Criminal Misc. petition stands disposed of.

(AMIT RAWAL)
JUDGE

June 1, 2015
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