

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

**CRM-M-19059 of 2015
Date of Decision:4.6.2015**

Khushi and another

..... Petitioners

Versus

State of Punjab & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Piyush Sharma, Advocate,
for the petitioners.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest.

RAJIV NARAIN RAINA, J.(Oral)

This is a petition under Section 482 of the Code of Criminal Procedure praying for directions to respondents No. 2 and 3 to protect their life and liberty which is alleged to be in danger at the hands of respondents No.4 to 6 on account of their having got married against their parental consent.

Learned counsel for the petitioners contends that both the petitioners are major. The girl side appears from the case paper to be one who are creating trouble for their daughter, the marriage being inter-caste.

Even though this court is disinclined to entertain and to go into such allegations, but at the same time, it cannot be oblivious to the fact that because of social friction and sectarian differences such incidents are not entirely unheard of and prima facie the case also appears to be

covered by the observations of Supreme Court in **Fiaz Ahmed Ahanger & Ors. v. State of J & K**, 2009 (3) RCR (Civil) 217, which are as under :-

“In such cases of intercaste or inter-religion marriage the Court has only to be satisfied about two things :

(1) that the girl is above 18 years of age, in which case, the law regards her as a major vide Section 3 of the Indian Majority Act, 1875. A major is deemed by the law to know what is in his or her welfare.

(2) The wish of the girl.

In the circumstances, we direct that nobody will harass, threaten or commit any acts of violence or other unlawful act on the petitioner, Chanchali Devi/Mehvesh Anjum and the petitioner's family members and they shall not be arrested till further orders in connection with the case in question. If they feel insecure, they can apply to the police and, in such event, the police shall grant protection to them.”

In view of this, the petition is disposed of with a direction to respondent No.2 to look into the allegations as contained in the petition personally and take necessary steps in accordance with law if the situation so warrants.

This order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed as well as the age, as the Court is clearly deprived of any means to determine the aforesaid facts.

Copy of the petition along with a copy of this order be sent to respondent No.2.

4.6.2015

Paritosh Kumar

PARITOSH KUMAR
2015.06.04 14:03
I attest to the accuracy and
authenticity of this document

(RAJIV NARAIN RAINA)
JUDGE