

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 23985 of 2015 (O&M)

Date of Decision: 21.08.2015

Sunati and Another

..... Petitioners

Vs.

State of Haryana and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. S.K. Gupta, Advocate
for the petitioners.

Mr. Rajiv Doon, AAG, Haryana
for respondents No. 1 to 3.

Mr. M.D. Khan, Advocate
for respondents No. 4 to 7.

Mr. A.S. Virk, Advocate
for respondent No. 8/UT, Chandigarh.

JASWANT SINGH, J. (ORAL)

The petitioners claiming themselves to be major in age have performed their love marriage against the wishes of the family members of the wife i.e. respondents No. 4 to 7. Apprehending threat to their life and liberty, they have approached this Court for grant of protection.

This Court while issuing notice of motion vide order dated 23.07.2015, had sent both the wife and husband to Nari Niketan, Sector-26, Chandigarh and Protection Home, Sector-9, Chandigarh, respectively, under the jurisdiction of U.T. Police, since it was alleged on behalf of the learned Counsel for the father/respondent No. 5 that the girl was a minor.

At the time of hearing today, both the petitioners and the family members of the girl are present in the Court. Petitioner No. 1/wife on a bare glance does not appear to be a minor, be that as it may, it is to be accepted that under Muslim Personal Law, on marriage of even a minor, the father loses the right of legal custody.

Upon interaction with her, she specifically wishes to go with her husband/petitioner No. 2.

Faced with this situation, learned Counsel for respondents No. 4 to 7, on instructions from their client, who are present in the Court, assures the Court that they would not obstruct the matrimonial life of both the petitioners.

In view of the above, although no more directions are required, however, if the petitioners still feel that there is threat to their life and liberty, they are free to make a representation and present themselves before the Superintendent of Police, Mewat.

Accordingly, this petition is disposed of with a direction to Superintendent of Police, Mewat (respondent No. 2) to intervene in the matter and take appropriate action as warranted by law.

Both the petitioners are directed to be released from Nari Niketan, Chandigarh and Protection Home, Chandigarh, respectively.

A copy of this order be given the learned Counsel for respondent No. 8/UT, Chandigarh under the signatures of Court Secretary.

August 21, 2015

dk kamra/Gagan

(JASWANT SINGH)
JUDGE