

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

CRM-M-36306 of 2015 (O&M)
Date of Decision:- 20.10.2015.

Naresh Kumar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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?

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

P.B. BAJANTHRI, J.(Oral)

The petitioners before this Court claims to be major. They have pleaded that they have married against wishes of the family on 18.10.2015. They are seeking protection from 4th respondent as there is threat from him for their life and liberty. In support of their marriage documents like photographs and to show that they are majors certain documents have been placed vide Annexures P1 to P4. In this regard they have approached the Senior Superintendent of Police, Hoshiarpur (respondent No.2) on 18.10.2015 vide Annexure P5.

It was noticed that newly wedded couple who are married against wishes of their family members and others are knocking doors of this Court very often with a prayer to protect their life etc.

Interference by the police in conjugal life; the Apex Court in the case of Lata Singh versus State of U.P. Reported in (2006)5 SCC 475 held as follows:-

“The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law”.

The Apex Court time and again held that every one associated with enforcement of law is instructed to follow the directions and failure

shall be seriously viewed and drastically dealt with. It was also reported that the directions of the Apex Court are not intended to be brushed aside and overlooked or ignored or side tracked. Meticulous compliance is the only way to respond to the directions of the Apex Court.

In view of the directions in Lata Singh's case (supra) it is the obligation of all persons in the State Administration/police authorities through out the country that if any boy or a girl who is a major undergoes same caste or inter caste or inter religious marriage, their martial life should not be disturbed or harassed and if any one give such threat or commits acts of violence or instigates it is the responsibility of the jurisdictional administrative officers/police officers concerned to take stern action against such of those persons as provided by law. The respondent No.2 is hereby directed to take note of observations and directions passed in Lata Singh's case (supra) while deciding the representation of the petitioners. The Ist respondent is directed to issue appropriate directions to all the concerned police officers in the State or in the alternative issue guideline in the light of the decision of the Supreme Court cited supra.

Case in hand it is made clear that without commenting upon the legality of the marriage and entering upon an exercise to evaluate the evidentiary value of the documents produced in this petition, I dispose of the petition with direction to respondent no.2 to decide the representation of the petitioners, vide Annexure P-5 within a period of two weeks' from today, if any threat to their life and liberty is perceived then action be taken at the earliest. It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of any law, if any committed by them. The petitioners are directed to furnish this order to the Senior

Superintendent of Police, Hoshiarpur-respondent No.2 at the earliest in order to take necessary action as directed above.

Accordingly, petition is disposed of.

20.10.2015

pooja saini

**(P.B.BAJANTHRI)
JUDGE**