

CRM no.M-43707 of 2014 (O&M) 1

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

**CRM no.M-43707 of 2014 (O&M)
Decided on :18-03-2015**

Manwinder Kaur and another

....Petitioner(s)

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- None for the petitioners

Mr. P.J.S.Hundal, AAG, Punjab

Mr. S.S.Grewal, Advocate for applicant/respondents
no. 4 to 6

MAHESH GROVER, J

CRM no.8227 of 2015

Allowed as prayed for.

Main case

The petitioners had approached this Court with a prayer that their lives are threatened at the hands of the private respondents on account of their marriage against parental consent.

This Court on 22.12.2014 had directed that the petitioners shall not be forcibly taken into custody by any of the respondents on the allegations that the petitioner no.1 had been abducted or kidnapped by petitioner no.2.

An affidavit has been filed by the respondents no.4 to 6 stating that they have no objection to the marriage of the petitioner no.1 and 2 and that there is no threat to them.

There is no representation on behalf of the petitioners.

Be that as it may and de hors the affidavit filed by the said respondents the fact would remain that the petitioners have averred in their petition they have married of their own accord and if that be so they cannot be subjected to any harassment on this count.

Ordinarily this Court would not look into these 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. vs. State of J&K 2009(3) RAJ 692, 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, instant petition is disposed of with a direction that in case the petitioners have any apprehension or threat to their life or

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involvement in any criminal case pertaining to their marriage they would be at liberty to approach the Senior Superintendent of Police of the concerned District who may in such an eventuality look into the same in accordance with law.

March 18, 2015
rekha

(Mahesh Grover)
Judge