

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

Crl.Misc.No.M-9168 of 2015

Date of decision : 20.3.2015

Sangeeta and another

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Rajesh Gupta, Advocate
for the petitioners.

Mr. Jai Parkash Dhull, Advocate
for respondent No.4.

.....

MAHESH GROVER, J.

This is a petition under Section 482 of the Code of Criminal Procedure praying for directions to respondents No.1 to 3 to protect their life and liberty which is alleged to be in danger at the hands of respondent No.4 on account of their having got married against their parental consent.

Learned counsel for the petitioners contends that both the petitioners are major.

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) R.A.J.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.”

The petitioners are present in Court as also are their parents and other relations. SI Kuldip Chand, Police Station Zirakpur is also present. He has stated that it was in distressful conditions that the couple was rescued from Gurdwara Sahib and

was kept in a protection home. If that is so then the danger to the lives of the petitioners is writ large.

The court has ascertained the views of petitioner No.1. She has stated that she does not want to interact with her parents and wants to stay with petitioner No.2.

Considering the aforesaid, when the petitioners are clearly under an apprehension to their lives on account of their alleged marriage with each other, I would deem it appropriate to direct SI Kuldeep Chand, who is present in Court, to take appropriate steps to ensure the protection of the petitioners for some more time keeping in view the wish of the couple. The respondent No.2 be also apprised of the situation so as to enable him to take preventive action to protect the lives of the petitioners. The couple would be free to leave the protection home, as per their desire.

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.

Copy of the order be also given Dasti to SI Kuldeep Chand under the signature of the Special Secretary.

20.3.2015
dss

(MAHESH GROVER)
JUDGE