

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

**Criminal Misc. No. M-32641 of 2016
Date of Decision:-09.11.2016**

Saleem and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rajesh Duhan, Advocate
for the petitioners.

Mr. Manish Bansal, Deputy A.G., Haryana.

Mr. Ram Kumar Saini, Advocate
for respondents No.5 to 7.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No.1 to 4 to protect the life and liberty of the petitioners at the hands of respondents No.5 to 7.

On notice of motion having been issued, respondent No.5 is present in Court. Learned counsel for respondents No.5 to 7 states that in order to create sense of security in the mind of petitioner No.2-Shehnaz (daughter of respondent No.5), petitioner No.1-Saleem should deposit some amount in her name. However, he states that private respondents have no objection to the marriage solemnized by the petitioners.

Learned State counsel on instructions from ASI Subhash Chand states that petitioner No.2 is minor and her date of birth is 2.9.1999.

I have heard learned counsel for the parties.

The limited objection as raised by learned counsel for private respondents is that to create sense of security in the mind of petitioner No.2, petitioner No.1 should deposit some amount in her name. This Court has been informed that petitioner No.1 is working with a *Halwai* shop and is earning Rs.700/- per day. Even otherwise in view of the judgment in **Yunus Khan vs. State of Haryana and others 2014(3) RCR (Criminal) 518** a Muslim minor girl who attained the age of puberty, willingly accompanied a Muslim boy and voluntarily performed a “nikah” and lived with him in his home of her free will, it cannot be held that she was enticed to do so especially in the face of the customary and personal law governing the parties.

Therefore, respondent No.2-Superintendent of Police, Kurukshetra is directed to take note of security part of the petitioners.

The petition stands disposed of.

November 09, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No