

CRM-M-36222 of 2016

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 129

CRM No.M-36222 of 2016

Date of decision: October 06, 2016

Nisha and another

.... Petitioners

Versus

State of Haryana & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Petitioners in person along with
Mr. Sandeep Kumar Goyat, Advocate.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 482 of the Code of Criminal Procedure, the petitioners have sought issuance of directions to respondent Nos. 2 & 3 to protect their lives and liberty at the hands of respondent Nos. 4 to 7 and their relatives, by providing them security.

2. Notice of motion to respondents No.1 to 3, only at this stage.

3. At the asking of Court, Ms. Harpreet Kaur, DAG, Haryana accepts notice on behalf of respondent-State of Haryana. Copy of the petition be supplied to learned State counsel during the course of day.

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4. 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 petitioners, 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.”

5. In view of this, the petition is disposed of with a direction to respondent No.2 – Deputy Commissioner of Police, Panchkula (Haryana) to look into the grievances narrated in their representation dated October 01, 2016 (Annexure P-5) and to take appropriate action in accordance with law to ensure that no harm is caused to the lives and liberty of the petitioners at

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the hands of private respondents.

6. This order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed as well as their age, as the Court is clearly deprived of any means to determine the aforesaid facts.

October 06, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No