

Crl. Misc. No.M-21269 of 2017 (O&M) 1

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

Crl. Misc. No.M-21269 of 2017 (O&M)

Decided on : 05.06.2017

Upma Mahajan and another

....Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr.Himanshu Monga, Advocate for the petitioners.

MAHESH GROVER, J

This is a petition under Section 482 of the Code of Criminal Procedure praying for directions to respondent nos. 2 and 3 to protect their life and liberty which is alleged to be in danger at the hands of respondent nos. 4 and 5 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. 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, the petition is disposed of with a direction to respondent no.2 to look into the allegations as contained in the petition personally and take necessary steps in accordance with law if the situation so warrants.

This order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed 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.

June 05, 2017
rekha

(Mahesh Grover)
Judge