

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 237

CRM-M-43807-2016

Decided on : 17.02.2017

Sakunat and another

..... Petitioner(s)

VERSUS

State of Haryana and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saleem Ahmed, Advocate, with
Ms. Rosi, Advocate, for the petitioners.

Mr. Manish Bansal, DAG, Haryana, and
Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Amit Kumar, APP, for UT, Chandigarh.

Mr. M. D. Khan, Advocate, for respondent No. 4.

Mr. S. K. Daaria, Advocate, for respondent No. 5.

Mr. P. S. Ahluwalia, Advocate, Amicus Curiae.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, filed under Section 482 Cr. P.C., the petitioners pray for the issuance of a direction to respondents No. 1 and 2 to protect their life and liberty which according to them is threatened on account of performing of their marriage against the wishes of the parents and relatives of petitioner No. 1.

Learned counsel for the petitioners submits that in view of the above, seeking protection therein, the petitioners had made a representation dated 05.12.2016 (Annexure P-5) to the Superintendent of Police, Mewat which having been not responded to and, therefore, left with no other remedy they have approached this Court through the present petition for the reliefs referred to above.

Learned counsel for the private respondents dispute the factum of petitioner No. 1 being a major, as pleaded by her in the petition. This assertion is made on the basis of a photocopy of School Migration Certificate produced by them in Court. Learned counsel for the private respondents further submit that an FIR against petitioner No. 2 under Section 363, 366-A and 120-B IPC and Section 16 of the Protection of the Protection of Children from Sexual Offences Act, 2012 has been lodged at their instance which is pending.

Learned counsel for the petitioners reiterate that petitioner No.1 is a major and that under the Muslim Personal Law, on attaining puberty, has validly contracted marriage with petitioner No. 2.

The present petition has been filed with a sole prayer for issuance of appropriate orders for the protection of the life and liberty of the petitioners on account of their alleged marriage being without the consent of the parents and relatives of petitioner No. 1. No other prayer has been made.

The State or the private respondents have not filed any written counter to the petition.

In view of the above, without expressing any opinion on the merits of the matter, particularly the validity of the alleged marriage and the age of petitioner No. 1 as projected by her in the present petition, the Superintendent of Police, Mewat (respondent No. 2) is directed to forthwith consider the aforesaid representation dated 05.12.2016 (Annexure P-5) made on behalf of the petitioners and thereafter take appropriate steps as is deemed fit in accordance with law to ensure the protection of life and liberty of the petitioners.

Till the aforesaid representation of the petitioners is considered and steps thereupon are taken by respondent No. 2, SI Raj Kala, who under interim orders of this Court is stated to have been deputed to ensure the protection of life and liberty of the petitioners by the District Police, Mewat, would ensure that the petitioners would safely reach the office of the Superintendent of Police, Mewat, for getting their aforesaid representation considered at his hands.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any, committed by them.

However, in the peculiar facts of the case, as noticed above, as also for the reason that after passing of this order petitioner No. 2 may have to take some immediate steps to settle petitioner No. 1, who is of tender age, particularly with regard to her safety and security, till 22.02.2017, in the aforesaid FIR, petitioner No. 2 would not be arrested.

Such protection being granted to petitioner No. 2 would not be construed to be an expression of opinion on the merits of the aforesaid FIR.

As per order dated 07.12.2016, as an interim measure, petitioner No. 1 was ordered to be kept in a protection home in Chandigarh. However, since the main petition is being disposed of today in which directions have been issued to the State of Haryana, to ensure safe passage to the petitioners from Chandigarh to their matrimonial home at Mewat, where their request for protection of life and liberty is to be considered by the Superintendent of Police, Mewat, it necessarily

implies that petitioner No.1 would no longer stay in the protection home at Chandigarh.

The petition stands disposed off in the above terms.

A copy of this order be handed over to counsel for the parties under the signatures of the Bench Secretary.

17.02.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No