

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19656-2018 (O&M)
Date of Decision:-09.05.2018.

Pawan Kumar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. S.S. Taank, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have sought for a direction to the official respondent Nos.1 to 3 for the protection of their life and liberty and not to interfere in the peaceful married life of the petitioners at the behest of respondent Nos.4 to 8 and other relatives and friends.

2.) The date of birth of petitioner No.1 is 26.01.1987 and the date of birth of petitioner No.2 is 16.07.1995. Petitioners are stated to have got married on 06.05.2018 at Prachin Shiv Mandir, M.D.C. Panchkula according to Hindu rites and rituals, with their own sweet will and without any pressure, which is stated to be against the wishes of respondent Nos.4 to 8. Consequently, they are under the impression that they require protection of life and liberty at the hands of respondent Nos.4 to 8. In this regard, they have preferred a representation to the Commissioner of Police, Amritsar District Amritsar and SHO, Police Station, B-Division, District Amritsar-

respondent Nos.2 and 3, respectively on 07.05.2018 (Annexure P-5).

Insofar as giving protection to the married couple, there is a decision of the Apex Court.

Interference by the police in conjugal life; the Apex Court in the case of ***Lata Singh versus State of U.P.*** reported in **(2006)5 SCC 475** held as follows:-

“The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or interreligious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes intercaste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor

subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law”.

In terms of the Supreme Court observation, the official respondents are directed to examine the representation (Annexure P-5) submitted by the petitioners and give necessary protection while appreciating the fact that there is threat to their life and liberty. This order shall not validate the marriage of the petitioners.

3.) Accordingly, the petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

May 09, 2018.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.