

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

106

CRM-M-34935 of 2018 (O&M)
Date of Decision:- 18.08.2018

Divya Patel and another

.....Petitioners

Versus

State of U.T., Chandigarh and others

.....Respondents

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

Present: Mr.R.P.Lubana, Advocate for the petitioners.

P.B. BAJANTHRI, J.(ORAL)

Notice of motion.

2. On the asking of the court, Ms. Ashima Mor, Additional Public Prosecutor, U.T, Chandigarh accepts notice on behalf of official respondents. Learned counsel for the petitioners is directed to furnish 3 sets of paper book to the State counsel, during the course of the day. Service of notice to respondents No.4 and 5 dispensed, since no adverse order is passed against them.

3. In this petition, the petitioners have sought for a direction to the official respondents for the protection of the life and liberty of the petitioners and not to interfere in the peaceful married life of the petitioners at the behest of respondents No.4 and 5 and other relatives and friends.

4. The petitioners are stated to be major. Both the petitioners are permanent resident of Uttar Pradesh and presently they are residing in village Kishangarh, U.T., Chandigarh. To this effect affidavit of maternal uncle of petitioner No.2 has been filed. Same is taken on record. On

05.08.2018, petitioners got married at Mansa Devi Temple at Panchkula according to Hindu rites and ceremonies, with their own sweet will and without any pressure.

5. The complaint of the petitioners is that respondents No. 4 and 5 are not happy with the marriage. The petitioners apprehending that there is a threat from respondents No.4 and 5 due to their marriage, preferred a representation to respondents No.2 and 3-Annexure P6. Insofar as giving protection to the married couple, Apex Court examined.

6. 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 inter-religious 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 inter-

caste 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”.

7. In terms of the Supreme Court observation, the official respondents are directed to examine the representation of the petitioners and to give necessary protection while appreciating the fact that there is threat to their life. This order shall not validate the marriage of the petitioners.

8. Petitioners are present in the court. Petitioner No. 2 is hereby directed to make necessary arrangement for fixed deposit of a sum of Rs.50,000/- in the name of petitioner No.1-Divya Patel within a period of 2 months from today. The said FDR be for a period of 3 years. Petitioner No.2 is directed to deposit copy of the FDR in the Registry within a period of two month from today. In case he fails to do so, Registry is directed to list this matter on 01.12.2018.

9. Accordingly, the petition is disposed of.

18.08.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No