

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35692-2018

Date of Decision: 18.08.2018

Roshni and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

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

Present : Mr. Kiranpal Rana, Advocate
for the petitioners.

P.B. BAJANTHRI J. (Oral)

Notice of motion.

2. Mr. Sukhbeer Singh, A.A.G. Punjab, who is present in Court, accepts notice on behalf of the official respondents-State. Service of notice to the private respondents is dispensed with as no adverse order is passed against them.

3. In the instant petition, petitioners are seeking protection for their lives and liberty. Petitioners are stated to be major and got married on 15.08.2018 out of their own sweet will and without any pressure. They are under the impression that there would be threat to their lives and liberty on account of their marriage against the wishes of their relatives and friends. Arising out of these facts and circumstances, petitioners are stated to have submitted representations dated 15.08.2018 (Annexure P-4) to the Superintendent of Police, Gurdaspur. Learned counsel for the petitioners submitted that there is one typographical error with regard to the date of marriage that may kindly be read as 15.8.2018. Insofar as giving protection to the married couple, there is decision of the Apex Court.

4. 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”.

5. In terms of the Supreme Court observation, the official respondents/concerned respondent are directed to examine the representations 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 couple in any manner.

6. Both the petitioners are present in Court. 2nd petitioner namely Balwinder Singh has assured that he will make necessary arrangement for depositing a sum of Rs.1,00,000/- in the name of 1st petitioner in the shape of FDR for a period of three years within a period of six months from today. In case he fails to do so, Registry is directed to list this matter on 1.3.2019.

6. Accordingly, the petition is disposed of.

18.08.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**