

In the High Court of Punjab and Haryana at Chandigarh

CRM M-39476 of 2018 (O&M)
Date of Decision: September 11, 2018

Komal Rani and another

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Arjun Veer Sharma, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondents no. 4 to 6.

P.B. Bajanthri, J. (Oral)

CRM-32239-2018

This is an application for preponing the main case.

For the reasons recorded in the application as well as affidavit, same is allowed. Main case i.e. CRM-M-39476-2018 is pre-poned from 25.09.2018 to today.

CRM-M-39476-2018

1. In the present petition, petitioners have sought for a direction to the official respondents no. 2 and 3 for protection of 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 to 6 and other relatives. Notice of motion has already been ordered on 10.09.2018. Service of notice upon respondents no. 4 to 6 dispensed as no adverse order is being passed against them.

2. The petitioners are stated to be major. On 04.09.2018, petitioners got married at Nav Durga Shakti Mandir New Shimlapuri, Gita

Colony, Ludhiana according to Hindu Rites and Rituals, with their own sweet will and without any pressure.

3. The complaint of the petitioners is that respondents no. 4 to 6 are not happy with the marriage. The petitioners apprehending that there is threat from respondents no. 4 to 6 due to their marriage, preferred a representation dated 05.09.2018 to respondent no.2 (Annexure P/4). Insofar as giving protection to the married couple, Apex Court examined.

4. Interference by the police in conjugal life, the Supreme 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.”

5. 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.

6. Petitioners are present in the Court. Petitioner No.2 is hereby directed to make necessary arrangement for fixed deposit of a sum of Rs. 3 lakhs in the name of petitioner no.1 within a period of three months from today. The said FDR be for a period of three years. Petitioner no.2 is directed to deposit copy of the FDR in the Registry of this Court within a period of three months from today. In case, he fails to do so, Registry is directed to list this matter on 12.01.2019.

7. Accordingly, present petition stands disposed of.

September 11, 2018

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[P.B. Bajanthri]

Judge

Whether reasoned / speaking : Yes

Whether reportable : No