

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40668-2018 (O&M)
Date of Decision:-14.09.2018.

Somiya and another

.....Petitioners

Versus

State of U.T. Chandigarh and others

.....Respondents

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

Present: Mr. Munish Behl, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

Notice of motion.

2.) On the asking of the Court, Ms. Ashima Mor, A.P.P. for U.T. Chandigarh accepts notice on behalf of the official respondents No.1 to 3. Learned counsel for the petitioners is hereby directed to furnish 3 sets of the paper book to the learned State counsel, during the course of the day. Since no adverse order is being passed against private respondent Nos.4 to 12 hence, their service of notice is dispensed.

3.) In the instant petition, petitioners have sought for a direction to the official respondents for protection of their life and liberty and not to interfere in their peaceful married life at the behest of respondent Nos.4 to 12 and other relatives and friends.

4.) The petitioners are stated to be major. On 11.09.2018, petitioners got married at Rama Krishna Mandir, Sector 19, Chandigarh according to Hindu rites and ceremonies with their own sweet will and

without any pressure.

5.) The grievance of the petitioners is that respondent Nos.4 to 12 are not happy with the marriage. The petitioners apprehending that there is a threat to their life and liberty from respondent Nos.4 to 12 due to petitioners' marriage, preferred a representation to the Senior Superintendent of Police, U.T. Chandigarh dated 11.09.2018 (Annexure P-9). Insofar as giving protection of the married couple, Hon'ble the Apex Court examined.

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 (Annexures P-9) of the petitioners and to give necessary protection while appreciating the fact that there is threat to their life. Petitioners are present in Court. Second petitioner undertakes to deposit a sum of ₹ 50,000/- in the form of F.D.R. in the Nationalized Bank for a period of 3 years in the name of first petitioner – Somiya (earlier name/known as Gulafsha) within a period of 3 months from today. Second petitioner is directed to deposit copy of the F.D.R. in the Registry of this Court within a period of 3 months from today. In case he fails to do so, Registry is directed to list this matter on 17.01.2019. This order shall not validate the marriage of the petitioners.

6.) Accordingly, the petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

September 14, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.