

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

224

CRWP-7296-2020

Date of decision: 16.10.2020

Baseema Khatoon @ Khushdeep and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajeev Kumar Sharma, Advocate
for the petitioners with petitioners in person.

Mr. Sukhbeer Singh, Asstt. A.G. Punjab
for respondents No.1 to 3.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner No.1, a Muslim and petitioner No.2, a Hindu by religion aged about 20 and 26 years respectively, have approached this Court seeking protection of their life and liberty on the averments that the petitioners being major performed marriage on 14.09.2020 at Tridev Sanatan Dharam Prachar Samiti, Booth No.249, MDC, Sector-4, Panchkula, as per Hindu rites and ceremonies against the wishes of respondents No.4 and 5 and the petitioners are apprehending threat to their life and liberty at their instance.

In compliance with order dated 17.09.2020, the petitioners are present through video conferencing. On being questioned by the Court they have admitted having solemnized marriage and reiterated their prayer for protection as mentioned in the petition.

As per the office report, respondents No.4 and 5 have not been served as their houses were locked when the process server visited their houses. In view of the urgent nature of relief claimed issuance of further notice to respondents No.4 and 5 is dispensed as the petitioners are seeking issuance of directions to respondents No.1 to 3.

Petitioner No.1, a Muslim and petitioner No.2, a Hindu by religion have claimed to have performed marriage in accordance with Hindu rites and ceremonies but there is no specific plea regarding conversion of petitioner No.1 to Hindu religion although in memo of parties a change in her name is recorded. In the absence of proof of any such conversion, solemnization of marriage in accordance with Hindu rites and ceremonies will not be valid. However, the question of validity of their marriage is not required to be adjudicated upon in the present case in view of the nature of relief sought. Even if marriage of the petitioners solemnized in accordance with Hindu rites and ceremonies be prima facie held to be not valid, even then law validates and recognizes live-in-relationship in the nature of marriage and the petitioners are entitled to protection of their life and liberty.

Learned State Counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

Without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with the directions to respondent No.2-Senior Superintendent of Police, Rupnagar to look into the grievances of the petitioners as set out in the petition and also expressed in the representation dated 14.09.2020 (Annexure P-4) and take appropriate

action for protection of their life and liberty as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against petitioner No.2, then nothing in this order shall be construed as a bar for taking of appropriate action by the police authorities against him in respect thereof in accordance with law.

The Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2- Senior Superintendent of Police, Rupnagar for requisite compliance.

16.10.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No