
Rishi Bhati and another v. State of Haryana and others

Present: Mr. Aleem Ahmed, Advocate,
for the petitioners.

Mr. Munish Sharma, AAG, Haryana

Case heard via video conferencing.

On 12.07.2021 the following order had been passed by this court:-

“Case heard via video conferencing.

By this petition, the two petitioners herein seek protection of their life and liberty which they are apprehending a threat to at the hands of respondents no.4 to 14, with respondents no.4 to 8 being the parents and brothers of petitioner no.2.

Learned counsel for the petitioners submits that petitioner no.2 was earlier forcibly married to respondent no.9 on 25.02.2020 when she was a minor and upon her having told that fact to her in-laws she returned to her parental home the next date itself.

He further submits that though petitioner no.2 has now attained the age of majority on 23.11.2020, the family still wishes to keep her forcibly married to respondent no.9 but the said petitioner has now chosen to live with petitioner no.1, who is unmarried.

Upon a specific query put to learned counsel for the petitioners, he submits that the petitioners are not in any prohibited relationship to each other.

Without making any comment on the correctness or otherwise on the aforesaid contentions, notice of motion is ordered to be issued.

On the asking of the Court, Mr. Neeraj Poswal, AAG,

Haryana, accepts notice on behalf of respondents no.1 to 3.

Respondents no.4 to 14 be served by way of normal process.

Adjourned to 12.08.2021.

A gazetted officer is directed to file a reply in the meanwhile, after firstly of course verifying the correct age of the petitioners from the educational institutions last attended. He would also determine the marital status of both petitioners but with it made clear that protection of life and liberty being a basic fundamental right enshrined in Article 21 of the Constitution of India, such life and liberty shall be duly protected by respondents no.1 to 3 positively.

However, it is also equally made clear that the petitioners not being married to each other, if it is found that petitioner no.2 is below the legally marriageable age in terms of the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006, naturally, appropriate orders would be passed by this Court on the next date of hearing.”

Though no reply has been filed by the respondent State, however a copy of a reply by way of an affidavit of the ACP, Ballabgarh, Faridabad, is stated to have been sent to the counsel for the petitioners, with Mr. Sharma, learned State counsel, submitting that as per the said reply the age of petitioner no.2 is found to be above 18 years, her date of birth being 23.11.2002 (as verified from the Govt. Model Senior Secondary School, Ballabgarh).

That being so, first it is to be noticed that as regards notice of motion issued to respondents no.4 to 14 on the last date of hearing, the report of the Registry is to the effect that respondents no.4 to 8 stand served, with notices issued to the remaining respondents not received back, served or otherwise.

Be that as it may, this being a petition only seeking protection of the life and liberty of the petitioners, with petitioner no.2 found to be above the age of majority (as per the instructions of learned State counsel), this petition is disposed of with a direction to respondents no.2 to 3 that such life and liberty is duly protected at the hands of respondents no.4 to 14 (and any other person), with obviously no comment made whatsoever on the validity of the live-in relationship with each other.

Naturally, if the husband of petitioner no.2 or any other competent person institutes any civil proceedings as may be maintainable, for restitution of conjugal rights etc., such proceedings would continue as per law, unhampered by any order passed by this court in these proceedings, with it reiterated that the life and liberty of the petitioners would be duly protected.

In that regard also, it is to be noticed that learned counsel for the State submits that as per the affidavit received by him, the mobile phones of the petitioners are switched off and they are therefore not contactable by the police; but if they approach the police, naturally their lives and liberty would be duly protected.

That statement is duly recorded and the petition is disposed of as above.

August 12, 2021
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(AMOL RATTAN SINGH)
JUDGE