

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-6646-2021 (O&M)
Date of Decision: 04.08.2021

Neha Hans and another

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Hamid Hussan, Advocate, for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

CRM -W-837-2021

The present application has been filed for placing on record the order passed by the learned Illaqa Magistrate Annexure P-4.

For the reasons recorded in the application, the same is allowed. Annexure P-4 is taken on record subject to just exceptions.

Main case

The present petition has been filed under Article 226 of the Constitution of India with a prayer for protection of life and liberty of the petitioners at the hands of the private respondents and preventing them from harassing and interfering in the peaceful living relationship.

Learned counsel for the petitioners has submitted that both the petitioners are major and of marriageable age. Petitioner No.1 girl is more than 18 years of age and her Aadhar Card has been attached as Annexure P-1 and the petitioner No.2- boy is of the age of 22 years and his Aadhar Card has been attached as Annexure P-2. He submitted that since both the petitioners are of a marriageable age and they wish to marry with each other, they have an apprehension at the hands of the private respondents.

I have heard the learned counsel for the petitioners.

A perusal of the order Annexure P-4 passed by the learned Illaqa Magistrate would show that the petitioner No.1-girl although is a major and above 18 years of age as observed by the Illaqa Magistrate also but she did not want to go to her parents and rather wanted to go to Nari Niketan for her own protection and therefore, the Additional Chief Judicial Magistrate, Ambala had directed that she be kept in Nari Niketan till solemnization of her marriage with petitioner No.2-Sudheer and it was also directed that the Incharge of the Nari Niketan, Karnal to give paramount consideration to the welfare of petitioner No.1 and to ensure the safety and security to the life and liberty of petitioner No.1.

The present petition has been filed for grant of protection of life and liberty. The petitioner No.1 is already in Nari Niketan as per her own request and she has been ordered to be kept in Nari Niketan till time when she solemnized the marriage. The petitioner has not challenged the order passed by the learned Illaqa Magistrate/ACJM, Ambala. As per the order, the protection of life and liberty of petitioner No.1 has already been

secured. However, during the course of arguments, the learned counsel for the petitioners has submitted that the petitioners may be granted protection of life, so that she can come out from Nari Niketan and start living together. It is not the prayer of the petitioners that they want to come out from Nari Niketan for the purpose of solemnization of marriage but for the purpose of being in a live-in-relationship. Such kind of a prayer is totally absurd and does not carry any weight.

Consequently, this Court finds no ground for interfering in the present case and, therefore, the present petition is hereby dismissed.

However since the petitioner No.1 has herself stated and volunteered before Illaqa Magistrate that she wants to stay at Nari Niketan for her own safety, the petitioner shall be at liberty to file appropriate application before Illaqa Magistrate/ACJM for release on the ground of fixation of solemnization of marriage and in the event of her doing so, the Magistrate shall pass appropriate orders promptly including orders for ensuring protection of lives and in accordance with law.

04.08.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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