

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CRWP-1563-2022

Date of Decision : February 22, 2022

Rihana and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Afzal Hussain, Advocate, for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed by the petitioners apprehending threat to their life and liberty at the hands of private respondents No. 4 to 7.

Learned counsel for the petitioners argues that petitioner No.1, who is a widow of the first cousin of the petitioner No.2, was living a unhappy life after the death of her first husband. Learned counsel for the petitioners submits that both the petitioners performed the marriage but now, the said marriage is being opposed by the private respondents on the ground that petitioner No.2 is already married with wife and seven children. Learned counsel for the petitioners further submits that in Islam, second marriage is permissible and first wife of petitioner No.2, does not have any objection with regard to the conducting of second marriage by the petitioner

No.2 but private respondents, who are opposing their marriage, have threatened the petitioners to cause injury to their life and liberty, which grievance of apprehension of threat to their life, has been raised by the petitioners before respondent No.2-the Superintendent of Police, District Nuh by filing a representation dated 22.11.2021 (Annexure P-6), which representation is still pending consideration and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the said representation by passing an appropriate speaking order.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State raises no objection in deciding the representation dated 22.11.2021 (Annexure P-6) by respondent No.2 in a time bound manner.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the representation dated 22.11.2021 (Annexure P-6), the present petition is disposed of with a direction to respondent No.2 to decide the representation dated 22.11.2021 (Annexure P-6) within a period of one month from the receipt of copy of this order.

It is clarified that this order shall not be treated as an approval of this Court about the marriage of the petitioners and no opinion with regard to the validity of the marriage has been expressed in this order.

It will be appreciated that the respondent No.2, while passing the order on the representation, will ensure that the first wife of petitioner No.2 and the children out of the said marriage do not suffer any purjudice in any maner and are taken care of henceforth properly.

February 22, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No