

In the High Court of Punjab and Haryana at Chandigarh

109

**CRWP No.10505 of 2022
Date of Decision: 7.11.2022**

Bran Khan and another

---Petitioners

versus

State of Punjab and others

---Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Petitioners in person.

JAGMOHAN BANSAL (ORAL)

The petitioners, through instant petition under Article 226 of the Constitution of India are seeking protection of life and liberty as guaranteed by Article 21 of the Constitution of India.

Notice of motion.

As per petition and documents enclosed therewith i.e. copies of Aadhar Cards, petitioner No. 1- Bran Khan is aged 20 years and petitioner No.2- Sazia is aged 21 years. The petitioners have got married on 31.10.2022. In support of their contention, the petitioners have enclosed marriage certificate dated 31.10.2022 (Annexure P-3) issued by Quazi at Naya Gaon.

The petitioners have made a representation dated 31.10.2022 (Annexure P-5) to Senior Superintendent of Police, Patiala, seeking protection of life and liberty. The petitioners have no apprehension of causing any injury on the part of the police or other Government authorities whereas the petitioners are claiming that there is apprehension that relatives of the petitioners may cause injury and put their lives to endanger.

While dealing with interference in conjugal life, the Apex Court in **Lata Singh versus State of U.P. (2006) 5 SCC 475** has held:-

“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 inter-caste or interreligious 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”.

A Co-ordinate Bench of this Court in CRWP No. 7426 of 2022 titled Javed vs. State of Haryana and others decided on 30.9.2022, where Petitioner was 26 years old and solemnized marriage with a girl who was more than 15 years, however less than 18 years, has held that marriage of muslims continue to be governed by their personal law. The Court has further held that such marriage would not be void in terms of Section 12 of Prohibition of Child Marriage Act, 2006.

In the case in hand, boy is 20 years old and girl is 21 years old. Both belong to muslim community and have solemnized marriage in accordance with muslim rites.

In terms of the Hon'ble Supreme Court observations and judgment of a Co-ordinate Bench of this Court, the official respondents are directed to examine the representation of the petitioners and to ensure protection while appreciating the fact that there is threat to their life. This order shall not validate the marriage of the couple in any manner.

Petition stands disposed of accordingly.

(JAGMOHAN BANSAL)
JUDGE

07.11.2022
paramjit

Whether speaking/reasoned : Yes
Whether reportable : No