

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-170-2023 (O&M)
Decided on :18.04.2023

Chirag and another . . . Petitioner(s)

Versus

State of Haryana and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioners.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Saleem Ahmed, Advocate for respondents No. 4 to 7.

SANJAY VASHISTH, J. (Oral)

1. In the present petition on 24.01.2023, following order was passed:-

*“Present: Mr. Ranjeet Kumar Jaswal, Advocate
for the petitioner(s).
Mr. Vikas Bhardwaj, AAG, Haryana.
Mr. Saleem Ahmed, Advocate for respondents No.4 to 7.

Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No.1 to 3, to provide protection of lives and liberty of the petitioners, who have married against the wishes of private respondents (i.e. respondents No.4 to 7).

Counsel for the appellants also points out that petitioner No.2, who was Muslim by religion converted to Hindu religion by way of executing a notarized affidavit dated 04.01.2023, at Chandigarh, and performed marriage on the very same day i.e. on 04.01.2023. Thereafter, present petition was filed on 06.01.2023. Section 11 of the Haryana Prevention of Unlawful Conversion of Religion Act, 2022 (in short, ‘Act of 2022’), says as under:-

“11. Any conversion in contravention of the provisions of this Act shall be null and void.”

*Confronted with the said provision of law in State of Haryana, counsel for the petitioners placed reliance upon the judgment rendered by Madhya Pradesh High Court in **Writ Petition No. 6263 of 2021 & other connected cases**, titled as, **“Rev. Suresh Carleton and others Vs. The State of M.P.”**, decided on **14.11.2022**, Law Finder Doc Id # 2068568. Para No.39 of the said judgment says as under:-*

“39. Considering the aforesaid judgments, in our considered opinion, a strong prime facie case is made out by the petitioners for grant of interim protection in relation to marriage of two adult citizens on their volition and against any coercive action for volition of Section 10 of the Act of 21. Section 10 makes it

obligatory for a citizen desiring conversion to give a declaration in this regard to the District Magistrate which in our opinion ex facie, unconstitutional in the teeth of aforesaid judgments of this Court. Thus, till further orders, respondent shall not prosecute the adult citizens if they solemnize marriage on their own volition and shall not take coercive action for violation of Section 10 of Act of 21.”

Notice of motion.

On advance notice, Mr. Vikas Bhardwaj, AAG, Haryana, puts in appearance on behalf of respondents No.1 to 3 (State), and Mr. Saleem Ahmed, Advocate, puts in appearance on behalf of respondents No.4 to 7.

Learned State counsel seeks some time to apprise the Court with the latest status of the aforesaid law.

Counsel for respondents No.4 to 7 also seeks some time to assist this Court on this provision of law regarding conversion of religion for the purpose of performing marriage, and further, to find out the latest status of law on the subject matter.

Adjourned to 10.02.2023 ”

2. Thereafter, on 10.02.2023, no one had appeared on behalf of petitioners, but by noticing the statements given by both the petitioners as submitted by learned State counsel, matter was adjourned for today.

Said order dated 10.02.2023 passed by this Court, says as under:-

“Present: None for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Tarun Deora, Advocate for respondents No.4 to 7.

Learned State counsel files the status report dated 09.02.2023, by way of affidavit of Dharamvir Singh, HPS, DSP, Head Quarters, Panipat, on behalf of respondents No.1 to 3 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned State counsel submits that as per the facts enquired by the police, both the petitioners are staying separately in their respective parental houses, and in that regard, statement dated 31.01.2023, has also been recorded by both the petitioners.

Statement of petitioner No.1 – Chirag, is reproduced hereinbelow:-

“Stated that I am a resident of the above address and I am studying in BA-3. I had love affair with Soonam D/o Kashiram R/o Wadhawa Ram Colony Panipat. I and Soonam had left the house on 04/01/2023 and solemnized marriage with her at Punjab and Haryana High Court at Chandigarh. I and my wife Soonam had

filed a petition for protection of our life and liberty before the Hon'ble High court of Punjab and Haryana at Chandigarh but he had not returned to our house nor reached to any police station rather we kept on visiting at Chandigarh, Delhi and Mumbai. We have reached to Delhi on 25/01/2023 and started to reside in the room of rent at DDA-111 Jahangirpuri from where my wife Soonam has made a phone call from my mobile to her parents and called them to our room of rent and thereafter Soonam's mother Balkish, maternal uncle Vakil, Israr and brother Suhail and one another lady reached at our room of rent at DDA-111 Jahangirpuri and they have convinced me and Soonam and said that they will solemnize our marriage socially. They have taken my wife Soonam at Panipat. My wife Soonam had given in writing to Surender Police Official in Police Station Mahender Park Delhi that she has solemnized marriage with her consent with Chirag and she is going to her mother. My wife Soonam has gone to her house while I am at my house. Now I have no apprehension at the hands of anyone. The petition filed by us may please be dismissed. The statement is recorded, considered as correct."

Statement of petitioner No.2 – Soonam Saifi, is reproduced hereinbelow:-

"Stated that I am resident of above said address. I am pursuing in B.com IInd year. I know my good and bad very well. Now I am with my parents at my parental home. I have no apprehension to my life and liberty at the hands of my parental family members and relatives. The petition filed before the Hon'ble High Court at chandigarh may please be cancelled. I have recorded my statement without any kind of fear or pressure."

Since, there is no representation on behalf of the petitioners, in the interest of justice, adjourned to 18.04.2023 "

3. Today, again there is no representation on behalf of the petitioners. It seems that petitioners are not interested in pursuing the matter, thus, present petition stands dismissed for non prosecution.

4. Dismissed for non-prosecution.

**(SANJAY VASHISTH)
JUDGE**

18.04.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No