

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-527-2023

Date of Decision: 27.02.2023

Simran and Another

.... Petitioners

Versus

State of Haryana and Ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Sanya Kaushal, Advocate for
Mr. Sahil Chaudhary, Advocate
for the petitioners.

Mr. P.K. Jhanda, AAG, Haryana.

SANJAY VASHISTH, J (ORAL)

Order dated 10.02.2023, says as under:-

“On 24.01.2023, following order was passed:-

“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 & 5).

Counsel for the appellants also points out that petitioner No.1, who was Muslim by religion converted to Hindu religion by way of executing a notarized affidavit dated 12.01.2023, at Jagadhri/Yamuna Nagar, and performed marriage on 13.01.2023. Thereafter, present petition was filed on 16.01.2023. 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 asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 3 (State). He seeks some time to apprise the Court with the latest status of the aforesaid law.

Let requisite copies of the complete paper book be supplied to learned State counsel during course of the day.

Adjourned to 10.02.2023.”

Today, reply dated 10.02.2023, by way of affidavit of Jitender Singh, HPS, DSP, Bilaspur (Yamuna Nagar), on behalf of respondents No.1 to 3, has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Para No.3 of the said reply says as under:-

“3. That during the pendency of present petition, the petitioner got recorded their respective statements stating that on 13-01-2023 they have solemnized marriage at Prachin Pashupati Nath Shiv Mandir Society, Sector 4, Panchkula and

presently they are living in Village Malikpur Khadar, P.S. Chhachhrauli, Distt. Yamuna Nagar and now they have no danger from anyone and they have no need of police protection. The copies of the statements of the petitioners are attached here with for the kind perusal of this Hon'ble Court as Annexure R-1 and Annexure R-2 respectively."

Accordingly, statement of petitioner No.1 – Simran is reproduced hereinbelow:-

"Stated that I am a resident of above mentioned address and I was living with my mother, Israt in village Sainwala, Himachal Pradesh since three years. And I was working in a factory of medicine of the company, Gnosis Pharma, Mogi Nand, Himachal Pradesh. Ajay S/o Ram Singh R/o Malakpur Khadar, P.S: Chhachhrauli, Distt. Yamunanagar also used to work there. There only I met him and after understanding all the good and bad consequences, on dated 13.01.2023 married each other in Pracheen Pashupati Nath Shiv Mandir Society vide Regd. No. 02375, Sector - 4, Panchkula according to the Hindu Rites and Rituals. I got married with my full consent. I am a major and after that we moved an application before the Hon'ble High Court, Chandigarh on dated 17.01.2023 for getting the protection for me and my Husband, Ajay and freedom from interference in our married life, against my mother Israt W/o Alim, Alim S/o Islam R/o Baldev Road, Tundla, Firozabad, Uttar Pradesh U.P. That now we have no danger from anyone. Neither we need any police protection now nor do we have any danger to our lives. I have got my statement written by you and read it thereafter. It is correct."

Statement of petitioner No.2 – Ajay is reproduced as under:-

"Stated that I am a resident of above mentioned address and since one year I work in a factory of the company, Gnosis Pharma, Mogi Nand, Himachal Pradesh. I am a major,

I am 23 years old. There in this factory only, I met Simran D/o Aleem R/o Tundla, Distt. Firozabad, Uttar Pradesh (U.P). I after understanding all the good and bad consequences, on dated 13.01.2023 we married each other in Pracheen Pashupati Nath Shiv Mandir Society vide Regd. No. 02375, Sector -4, Panchkula according to the Hindu Rites and Rituals. And after that we moved an application before the Hon'ble High Court on dated 17.01.2023 for getting the protection for me and my wife, Simran and freedom from interference in our married life, against my mother in law Israt W/o Alim, Alim S/o Islam R/o Baldev Road, Tundla, Firozabad, Uttar Pradesh U.P. That now me and my wife have no danger from anyone and nor do we need any police protection now. We both husband and wife are now happily living in the village Malikpur Khadar, PS: Chhachhrauli, Dist. Yamunanagar. I have got my statement written by you and read it thereafter. It is correct.”

There is no representation on behalf of the petitioners.

As per office report, even process fee has also not been filed by the petitioner.

In the interest of justice, one last opportunity is granted for serving fresh notices to unserved respondents, subject to filing of requisite process fee within a period of one week from today, for 27.02.2023.

Learned counsel for the petitioners seeks withdrawal of the present petition.

Dismissed as withdrawn.

27.02.2023
pchawla

(SANJAY VASHISTH)
JUDGE

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