

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

212

CRWP-11094-2022 (O&M)

Decided on : 21.02.2023

Priyanka and another

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rohit Khullar, Advocate for the petitioners.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

Order dated 24.11.2022 passed by this Court says as under:

“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 to the petitioners, who have married against the wishes of private respondents No. 4 to 7.

Learned counsel for the petitioners submits that petitioner No. 1 Priyanka, aged about 18 years, after changing the religion from Hinduism to Mohammedan has got married to petitioner No. 2-Rashid Khan, aged about 22 years, on 17.11.2022, against the wishes of her family members, arrayed as respondents No. 4 to 7.

Counsel further contends that petitioners are known to each other and are in love from the last two years. He further submits that petitioner No. 1-Priyanka has changed her religion on 17.11.2022 and also performed marriage/nikah on the very same date, against the wishes of her family members, arrayed as respondents No. 4 to 7. Therefore, petitioners are seeking protection in that regard and have approached this Court by way of filing the instant petition. They have also submitted a

representation dated 17.11.2022 through a registered post dated 18.11.2022 (Annexure P-5) to respondent No.2 – Superintendent of Police, Kaithal, wherein, they have expressed their apprehension.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Punjab, appears and accepts notice on behalf of respondents No. 1 to 3 (State).

This Court has noticed that petitioner No. 2-Rashid Khan, is stated to be more than 22 years of age and petitioner No. 1 has covered the age of 18 years in the recent past and both the petitioners are stated to be known to each other from the last about two years. This Court cannot sit as a mere spectator by ignoring the fact that petitioner No. 2, who is four years elder than petitioner No. 1, came into contact with petitioner No. 1-Priyanka when she was minor i.e. about 16 years of age.

Before passing any direction, this Court deems it appropriate to direct respondent No. 2-Superintendent of Police, Kaithal, to get the fact clear that whether the said conversion of religion by petitioner No. 1-Priyanka is free from all kind of influence and voluntarily or contrary when date of conversion of religion and performing of marriage/nikah is the same.

Learned State counsel is directed to file status report in this regard.

Adjourned to 20.12.2022.

Let copy of this order be forwarded to the Superintendent of Police, Kaithal.

Meanwhile, respondent No. 2 – Superintendent of Police, Kaithal, is also directed to look into the representation dated 17.11.2022 (Annexure P-5) sent through a registered post on 18.11.2022, and in case any truth is found in regard to the apprehension of lives and liberty of the petitioners, appropriate steps in accordance with law would be taken.

Reply/status report be filed on or before the next date of hearing i.e. 20.12.2022.”

Thereafter, on 20.12.2022, status report dated 15.12.2022 had been filed by learned State counsel on behalf of respondents No. 1 to 3.

Today, learned State counsel on instructions from ASI Mandeep, submits that FIR No. 308 dated 18.11.2022 under Section 346 IPC, registered at Police Station Ismailabad, Kurukshetra has been cancelled.

On the other hand, learned counsel for the petitioner states that as of now there is no threat perception to the petitioners, thus, he seeks withdrawal of the present petition, at this stage.

Dismissed as withdrawn, at this stage.

(SANJAY VASHISTH)
JUDGE

21.02.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No