

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRWP-11962-2022 (O&M)
Decided on :18.04.2023

Binni 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.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition, on 25.01.2023, following order was passed by this Court:-

*“Present: Mr. Ashik Ali, Advocate
for the petitioner(s).*

Mr. Vikas Bhardwaj, AAG, Haryana.

Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No.2 and 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 10).

Counsel for the petitioners also points out that petitioner No.2, who was Muslim by religion converted to Hindu religion by way of executing a notarized affidavit dated 10.12.2022, at Chandigarh, and performed marriage on the very same day i.e. on 10.12.2022. Thereafter, present petition was filed on 12.12.2022. 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 violation 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 ”

2. Thereafter, no one had appeared on behalf of the petitioners and on the bases of office report, wherein it was noticed that notices to respondents could not be issued for want of process fee and accordingly, matter was adjourned for today.

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

“Present: None for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

As per office report, notice could not be issued to private respondents for want of process fee.

Though, there is no representation on behalf of the petitioners, yet in the interest of justice, one more opportunity is afforded to the petitioners to serve the private respondents, on deposit of requisite process fee within right time.

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