
(2010) 12 P&H CK 0220

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-35603 of 2010

Gulabo Devi and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 03-12-2010

Acts Referred:

Citation : (2010) 12 P&H CK 0220

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Judgement

S.S. Saron, J.—The Petitioners on their own have solemnized their marriage amongst themselves on 1.12.2010. The copy of the marriage certificate (Annexure P-3) issued by Arya Samaj and Vedic Welfare Society, Sector 22-B, Chandigarh and the photographs (Annexure P-4), taken at the time of marriage, have been placed on record. The marriage was solemnized at Maharishi Balmiki Mandir, Sector 24-C, Chandigarh. After the marriage, the Petitioner No. 1 informed her parents about her marriage with Petitioner No. 2. On this, her father (Respondent No. 4) and uncle (Respondent No. 5) got annoyed. Chattan Singh (Respondent No. 5), is the father's brother's son of the Petitioner No. 1. The Petitioners apprehend danger to their life and liberty from Respondents No. 4 and 5. The Petitioners have also submitted an application dated 1.12.2010 (Annexure P-5) to Superintendent of Police, Hisar (Respondent No. 2) for ensuring and protecting their life and liberty. It is submitted that family of Petitioner No. 2 has accepted the marriage but the father (Respondent No. 4) and other relatives of Petitioner No. 1 have threatened the Petitioners that in case they do not dissolve their marriage, the Petitioners and parents of Petitioner No. 2 would be killed.

2. It is submitted that the Petitioner No. 1 was earlier married to one Banwari. However, due to some altercations between them, they divorced each other. The proceedings regarding the divorce were carried out in the Panchayat, in the year 2005. From September 2005 till September 2010, the Petitioner No. 1 has been

living in her parental home. It is submitted by learned Counsel for the Petitioners that Banwari, with whom Petitioner No. 1 was earlier married, has also remarried with another girl.

3. Both the Petitioners are present in the Court and identified by their counsel. It is submitted by the Petitioner No. 1 that she has solemnized her marriage with Petitioner No. 2 out of her own free will and desire and without any kind of pressure or undue influence, besides, she is happy with her marriage. Petitioner No. 2 has stated that he was not earlier married.

4. It is stated that the Petitioners are major. The date of birth of Petitioner No. 1 as per the certificate (Annexure P-1) issued by the Head Master, Govt. Primary School, Balawas, Hisar, is 15.7.1981. The age of the Petitioner No. 2 is about 29 years. The identity Card (Annexure P-2), issued by the Election Commission of India has been placed on record, in which the age of the Petitioner as on 1.1.2002, is mentioned as 20 years.

5. Without going into the question of validity of marriage between the Petitioners but keeping in view the fact that the Petitioner No. 1 is in any case living with the Petitioner No. 2, as it is not in dispute that the Petitioners are living together with the consent of each other, besides, they are adults, it would be just and expedient that they are not unnecessarily harassed by Respondents No. 4 and 5.

6. In the facts and circumstances, the present petition is disposed of with the directions to the Respondents No. 2 and 3 that in case the Petitioners approach any of them setting out their grievances, as have been mentioned in the present petition, the same would be duly considered and looked into by them independently and in accordance with law.