

(2007) 12 P&H CK 0155

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-53290 of 2007

Mamta and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 06-12-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2007) 12 P&H CK 0155

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

Bench : Single Bench

Advocate : V.K. Gupta, for the Appellant;

Judgement

S.S. Saron, J.—By way of this petition u/s 482 Code of Criminal Procedure the Petitioners, who are newly married couple, seek issuance of directions to Respondents No. 1 to 3 to protect their life and liberty from Respondents No. 4 to 6, who are parents and brother of Petitioner No. 1. Further direction is sought to direct Respondents No. 1 to 3 not to interfere in the private life of the Petitioners and also not to involve the Petitioners and family members of Petitioner No. 2 in any false case.

2. Both the Petitioners are present in Court. It is stated that they are major. The date of birth of Petitioner No. 1 Mamta as per Matriculation certificate (Annexure-P.1) is 5.7.1982 and that of Petitioner No. 2 as per his affidavit dated 5.12.2007 (Annexure-P.2) is 19.7.1981. It is submitted by the learned Counsel appearing for the Petitioners that the Petitioners had a liking for each other for the last two-three years. Therefore, they decided to solemnize their marriage. The Petitioners approached Respondents No. 4 to 6 i.e. parents and brother of Petitioner No. 1 to solemnize their marriage but they refused to marry their daughter with Petitioner No. 2 as they belong to different castes. Therefore, the Petitioners on their own solemnized their marriage at Shiv Mandir, Raily, Sector 12-A, Panchkula on 3.12.2007. Marriage certificate (Annexure-P.3) and photographs (Annexure-P.4) regarding solemnization of their marriage are placed on record. On account of

the marriage that has been solemnized, Respondent No. 4 and other relatives of Petitioner No. 1 are harassing the Petitioners and threatening them of dire consequences. The Petitioners approached Respondent No. 3-S.H.O., Police Station City Yamuna Nagar vide representation dated 4.12.2007 (Annexure-P.5) for providing protection to the Petitioners from the hands of Respondents No. 4 to 6. It is further stated that the relatives of Petitioner No. 1 visited the house of Petitioner No. 2 and have threatened his parents and family members with dire consequences. Therefore, the Petitioners have approached this Court seeking the protection of their life and liberty.

3. After hearing learned Counsel for the Petitioners and perusing the record, it may appropriately be noticed that the case set-up by the Petitioners is that they have solemnized their marriage amongst themselves on 3.12.2007. Both the Petitioners are present in Court and learned Counsel appearing for them, on their instructions, has submitted that they are happily married. It may, however, be noticed that the Petitioners have also approached Respondent No. 3 vide their representation dated 4.12.2007 (Annexure-P.5) to provide them protection. In the facts and circumstances of the case, the Respondents No. 2 and 3 would be in a better position to ascertain the ground realities and grant the necessary relief to the Petitioners.

4. Accordingly, the criminal miscellaneous petition is disposed of with a direction to Respondents No. 2 and 3 that in case the Petitioners approach any of them setting out their grievances as have been made in the present petition the same shall be duly considered and looked into by them independently and in accordance with law.