
(2010) 03 P&H CK 0185
In the Punjab And Haryana At Chandigarh

Mamta Rani and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 02-03-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2010) 03 P&H CK 0185

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

Bench : Single Bench

Judgement

S.S. Saron, J.—The petitioners have solemnized their marriage amongst themselves. By way of the present petition u/s 482 CrPC, they seek protection of their life and liberty which, it is submitted, is in danger from the father (respondent-4) of petitioner-1.

2. Both the petitioners, it is stated, are major. The age of petitioner-1 is 20 years. A reference has been made to the Ration Card dated 23.8.2008 (P1) in which the age of petitioner-1 is mentioned as 18 years. Smt Soma, mother of petitioner-1 has deposed an affidavit dated 25.2.2010 (P2) in which it is stated that the age of petitioner-1 is more than 19 years. Besides, she (Smt Soma) has no objection if her younger daughter - Mamta (petitioner-1) performs her marriage anywhere with anybody. Gurmail Singh - father of Nanku (petitioner-2) has deposed an affidavit dated 25.2.2010 (P3) in which it is stated that his son namely Nanku (petitioner-2) is more than 21 years of age. The petitioners are working as labourers. They have solemnized their marriage as per prevailing customs in the society on 25.2.2010.

3. Learned Counsel for the petitioners submits on instructions from the petitioners, that the marriage was solemnized in the precincts of Hanuman Mandir, Sector 40, Chandigarh. It is submitted that the Adhyatimic Arya Samaj Mission Chandigarh has given a certificate (P4) of the marriage. A reference has been made to the vernacular copy of the certificate (P4) in this regard as the English translation contains typing errors. Besides the photographs (P5 and P6)

of the solemnization of the marriage have been placed on record. Peitioner-1 also submitted an application dated 25.2.2010 (P7) to the SSP Fatehabad (respondent-1) and SHO Incharge PP Badopal (respondent No. 3) seeking protection of herself and her husband - Nanku (petitioner-2). Despite the said application, the threat, however, to them persists. It is stated that the mother of petitioner-1, who is present in Court, has no objection. Besides, the father of petitioner- 2 is also present in Court and he too has no objection to the marriage. It is only Amrik Singh (respondent-4) who is father of petitioner-1 who is objecting to the marriage.

4. Both the petitioners are present in Court and are identified by their counsel. It is stated by petitioner-1 that she has solemnized her marriage with petitioner-2 as per her wishes and desire and without any kind of pressure or undue influence. Besides, she is happy with her marriage.

5. In view of the above, this petition is disposed of with a direction to respondents-1 to 3 that in case the petitioners approach any of them setting out their grievances as have been stated herein, their request shall be considered and looked into by them independently and in accordance with law.