
(2011) 09 P&H CK 0058

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 27886 of 2011 (O and M)

Navjot Kaur and Another

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 13-09-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Majority Act, 1875 — Section 3

Citation : (2011) 09 P&H CK 0058

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Judgement

Mahesh Grover, J.

Crl. Misc. No. 49482 of 2011 is allowed.

1. This is a petition u/s 482 of the Code of Criminal Procedure praying for directions to Respondents No. 1 to 5 to protect their life and liberty which is alleged to be in danger at the hands of Respondents No. 6 to 9 on account of their having got married against their parental consent.

2. Learned Counsel for the Petitioners contends that both the Petitioners are major. Regarding the age of Petitioner No. 2 only affidavit has been filed. Since there are no means with this Court to determine the age of the said Petitioner, the Court does not wish to comment upon the same and the factum that the Petitioner No. 2 is major should also be verified by the Respondent No. 2.

3. Even though this Court is disinclined to entertain and to go into such allegations, but at the same time it cannot be oblivious to the fact that because of social friction and sectarian differences such incidents are not entirely unheard of and prima facie the case also appears to be covered by the observations of Supreme Court in Fiaz Ahmed Ahanger and Ors. v. State of J and K 2009 (3) R.A.J.692, which are as under:

In such cases of intercaste or inter-religion marriage the Court has only to be satisfied about two things:

(1) that the girl is above 18 years of age, in which case, the law regards her as a major vide Section 3 of the Indian Majority Act, 1875. A major is deemed by the law to know what is in his or her welfare.

(2) The wish of the girl.

In the circumstances, we direct that nobody will harass, threaten or commit any acts of violence or other unlawful act on the Petitioner, Chanchali Devi/Mehvesh Anjum and the Petitioner's family members and they shall not be arrested till further orders in connection with the case in question. If they feel insecure, they can apply to the police and, in such event, the police shall grant protection to them.

4. In view of this, the petition is disposed of with a direction to Respondent No. 2 to look into the allegations as contained in the petition personally and take necessary steps in accordance with law if the situation so warrants.

5. This order shall not be construed to be conferring the legitimacy or authenticity to the factum of marriage having been performed as well as the age, as the Court is clearly deprived of any means to determine the aforesaid facts.

6. Copy of the petition along with a copy of this order be sent to Respondent No. 2.