
(2009) 04 P&H CK 0122
In the Punjab And Haryana At Chandigarh

Neetu and Another	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 20-04-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 366

Citation : (2009) 04 P&H CK 0122

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

Bench : Single Bench

Judgement

S.S. Saron, J.—Mr. Moti Lal Saini, Advocate has put in appearance on behalf of respondents No. 4 to 7.

2. This petition u/s 482 of the Code of Criminal Procedure (Cr.P.C. - for short) has been filed for issuing appropriate directions for directing respondents No. 2 and 3 not to harass or interfere in the peaceful married life of the petitioners at the instance of respondents No. 4 to 7, who are the father, mother and brothers respectively of petitioner No. 1.

3. Both the petitioners, it is stated, are major. The date of birth of petitioner No. 1 as per her Middle examination certificate (Annexure-P.1) issued by the Board of School Education, Haryana is 23.5.1989. The date of birth of petitioner No. 2 as per his driving licence (Annexure-P.2) is 14.3.1984. The petitioners are residents of the same vicinity but belong to different castes. They had a liking for each other and, therefore, decided to solemnize their marriage amongst themselves. However, the parents (respondents No. 4 and 5) of petitioner No. 1 were not agreeable for the marriage. The petitioner No. 1, therefore, left her parental home on 14.3.2009. She came to petitioner No. 2 so as to solemnize her marriage. The petitioners solemnized their marriage amongst themselves on 16.3.2009 at Balmiki Mandir, Sector 32-C, Chandigarh according to Hindu rites and ceremonies. The certificate (Annexure-P.3) and photographs (Annexure-P.4) of the marriage have been placed on record.

4. In view of the marriage that has been solemnized the parents (respondents No. 4 and 5) and brothers (respondents No. 6 and 7) of petitioner No. 1 are not happy and they have threatened the petitioners that in view of their marriage with each other they would have to face dire consequences. The petitioners apprehending danger to their life and liberty from respondents No. 4 to 7 submitted an application dated 16.3.2009 (Annexure-P.5) to the Superintendent of Police, Narnaul (respondent No. 2). Despite the said application the threat continues. It is submitted that respondent No. 4 is very influential and is harassing the petitioners besides, the Police is raiding the house of petitioner No. 2 time and again. Even the local Police is harassing petitioner No. 2 and his family members.

5. Both the petitioners are present in Court and are identified by Mr. R.K.. Dhiman, Advocate for the petitioners. Petitioner No. 1 has stated that she has solemnized her marriage with petitioner No. 2 of her own free will and desire and without any kind of pressure or undue influence. It is stated that she is happily married in her matrimonial home. It is also stated that she is a Graduate.

6. Reply of Satpal Singh, Inspector/Station House Officer, City Narnaul has been filed on behalf of respondents No. 1 to 3. It is submitted that FIR No. 107 dated 22.3.2009 has been registered at Police Station City, Narnaul on the complaint of Jatinder Kumar (respondent No. 7) against petitioner No. 2 and Ajit son of Satish as also Amit for the offences u/s 366 and 120-B IPC. The matter is being investigated. The whereabouts of the petitioners could not be traced despite best efforts by the investigating agencies. It is, however, stated that petitioner No. 1 is a major and her date of birth as per the records of Rose Villa High School, Narnaul is 23.5.1989. It is also accepted that the petitioners are of the same vicinity and they have eloped with each other. The threat perception of the petitioners, it is stated, is totally misconceived.

7. It may be noticed that petitioner No. 1 is a major and she has stated that she has solemnized her marriage with petitioner No. 2 of her own free will and desire. Besides, it has come on record that it is an inter-castes marriage.

8. In *Lata Singh Vs. State of U.P. and Another*, it was observed by the Supreme Court that disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. Such acts of violence or threats or harassment, it was observed, are wholly illegal and those who commit them must be severely punished. A direction was issued that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes such inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law.

9. In view of the aforesaid facts and circumstances, the present 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.