
(2013) 05 RAJ CK 0185

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4748 of 2013

Niyaz Parveen (Smt.)

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 3 WLN 393

Hon'ble Judges : P.K. Lohra, J

Bench : Single Bench

Advocate : Devendra Mahalana, for the Appellant;

Judgement

P.K. Lohra, J.—The petitioners have filed this writ petition under Article 226 of the Constitution of India, seeking direction against the respondent-State authorities to provide them protection against the harassment and possible violent activities by the respondents No. 5 & 6. As per the averments made in the writ petition, both the petitioners are major and are married since 19.04.2013. After marriage, both the petitioners are living happily. The petitioners have further averred in the writ petition that after solemnization of "Nikah" as per the Mohammedan law, both the spouses made sincere efforts to persuade their parents to accept their liaison as husband and wife but the respondents No. 5 & 6 are not inclined to recognize their valid "Nikah". The petitioners have also stated in the writ petition that they are apprehending harassment and some violent activities at the behest of respondent No. 5 & 6. Feeling discomfort with the discontentment of respondents No. 5 & 6, both the petitioners lodged a complaint (Annexure/3) before Superintendent of Police, District Bikaner and prayed for providing them police protection. There is strong presumption that the complaint lodged by the petitioners shall be objectively examined by the Police Authorities to extend protection to both the petitioners.

2. Learned counsel for the petitioners has invited my attention to a verdict of the Apex Court in case of Lata Singh Vs. State of U.P. and Another, wherein while

dealing with the case of harassment by the parents of boy and girl who had entered into inter-caste marriage, the Apex Court has issued directions, to the administration of the Police Authorities throughout the country in the following terms:

This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-Caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate act of violence and cannot harass the person who undergoes such inter-Caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couples are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harass 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.

3. In view of the directions issued by the Apex Court in Lata Singh's case (supra) obviously the Police authorities are under an obligation to take appropriate action in accordance with law to ensure that the petitioners may not be harmed and may not be subjected to harassment. The Administration/Police authorities are also expected to prevent violent activities at the behest of respondents No. 5 & 6., No interference is called for by this Court at this stage. Accordingly, the writ petition is disposed of with the observations made (Supra).