

(2022) 12 UK CK 0045

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 2305 Of 2022

Pooja Devi

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 12-12-2022

Acts Referred:

Citation : (2022) 12 UK CK 0045

Hon'ble Judges : Manoj Kumar Tiwari, J;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Vaibhav Singh Chauhan, Rakesh Kumar Joshi

Judgement

Alok Kumar Verma, J

1. Heard.

2. The petitioner is present in person before this Court. She is identified by Mr. Vaibhav Singh, Chauhan, Advocate.

3. Learned counsel appearing for the petitioner submitted that Mr. Charan Singh is also present.

4. The case of the petitioner is that she got married to Mr. Charan Singh on 09.06.2019 against the wishes of the respondent nos. 4 to 8, the family members of the petitioner. At the time of the said marriage, the petitioner and her husband Charan Singh were major. They belong to the same faith; but, their castes are different. Therefore, their marriage is being opposed by the private respondent nos. 4 to 8.

5. The petitioner has apprised this Court that she has threat perception at the hands of the private respondent nos. 4 to 8.

6. There is a prima facie proof of the age of the petitioner. The said marriage has been registered with the Registrar, Compulsory Registration of Marriages, Haridwar.

7. Needless to say, it is the fundamental right of the two adults to marry each other, and, merely because the family members are dissatisfied with the marriage, it does not permit them to take the law on their own hands.
8. Therefore, as an interim measure, we direct the Station House Officer, Police Station Jhabrera, District Haridwar, the respondent no. 3, to immediately provide the proper protection to the petitioner, as there is a threat perception at the hands of the private respondent nos. 4 to 8.
9. Issue notices to the respondent nos. 4 to 8.
10. Steps to be taken within one week.
11. Learned Counsel for the State submitted that counter affidavit is not needed, however, he requested ten days' time to get instructions.
12. List on 14.02.2023.
13. Interim Relief Application (I.A. No. 01 of 2022) stands disposed of.
14. Let a certified copy of this order be issued to learned counsel for the parties, today itself, on payment of usual charges.