

(2022) 10 P&H CK 0031

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 9655 Of 2022

Pooja Kumari And Anr

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 07-10-2022

Acts Referred:

Constitution Of India, 1950 — Article 21, 226

Citation : (2022) 10 P&H CK 0031

Hon'ble Judges : Jagmohan Bansal, J

Bench : Single Bench

Advocate : Naresh Chander

Final Decision : Disposed Of

Judgement

Jagmohan Bansal, J

The petitioners, through instant petition under Article 226 of the Constitution of India are seeking protection of life and liberty as guaranteed by Article 21 of the Constitution of India.

Notice of motion.

On the asking of the Court Mr. Kirat Singh Sandhu, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3-State. Service of notice to the private respondents is dispensed with as no adverse order is passed against them.

As per petition and documents enclosed therewith i.e. Aadhar Card of petitioner No.1-Pooja Kumari is aged 30 years and petitioner No.2-Jabbar Singh is aged 32 years. The petitioners are major and they have got married on 26.09.2022. In support of their contention, the petitioners have enclosed marriage certificate dated 26.09.2022 (Annexure P-3) issued by Gurudwara Dashmesh Puta Patshahi Dasvi village Singha Devi, Tehsil Kharar District Mohali.

The petitioners have made a representation dated 02.10.2022 (Annexure P-5) to

Senior Superintendent of Police, Moga, seeking protection of life and liberty. The petitioners have no apprehension of causing any injury on the part of the police or other Government authorities whereas the petitioners are claiming that there is apprehension that relatives of the petitioners may cause injury and put their lives to endanger.

While dealing with interference in conjugal life, the Apex Court in *Lata Singh versus State of U.P.* (2006) 5 SCC 475 has held:-

“The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo intercaste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. 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 acts of violence and cannot harass the person who undergoes such inter-caste or interreligious 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 intercaste or interreligious 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”.

In terms of the Hon'ble Supreme Court observations, the official respondents are directed to examine the representations of the petitioners and to ensure protection while appreciating the fact that there is threat to their life. This order shall not validate the marriage of the couple in any manner.

Petition stands disposed of.