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(2011) 01 P&H CK 0362

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-645 of 2011 (O and M)

Pooja Rani and Another — APPELLANT

Vs

State of Haryana and Others — RESPONDENT

Date of Decision : 10-01-2011

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

Citation : (2011) 01 P&H CK 0362

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Judgement

Daya Chaudhary, J.

Crl. Misc. No. 1231 of 2011

1. Application is allowed as prayed for.

Crl. Misc. No. M-645 of 2011

2. The present petition has been filed u/s 482 Code of Criminal Procedure for issuance of directions to the official Respondents to provide adequate security to protect lives and liberty of the Petitioners who apprehend threats to their lives at the hands of private Respondents and for further direction not to harass and interfere in their peaceful married life and not to intrude into their privacy.

3. The Petitioners, who are present in Court, claim to be major on the basis of documents annexed with the petition and they got married contrary to the wishes of their parents and are apprehending threats to their lives and liberty.

4. 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 the Hon''ble Supreme Court in Fiaz Ahmed Ahanger and Ors. v. State of J&K 2009

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(3) R.A.J. 692, which are as under:

In such cases of inter-caste 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'' 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.

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

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

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

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