
(2017) 04 RAJ CK 0232
In the Rajasthan High Court
Case No : 4796 of 2017

Sanam & Anr

APPELLANT

Vs

State of Rajasthan & Ors

RESPONDENT

Date of Decision : 27-04-2017

Acts Referred:

Citation : (2017) 04 RAJ CK 0232

Hon'ble Judges : Sangeet Lodha

Bench : SINGLE BENCH

Advocate : Bhupendra Singh

Judgement

1. This writ petition has been filed by the petitioners-Smt. Sanam and Karni Ram, seeking direction to the police authorities to provide protection to them and not to interfere in their married life.

2. The petitioners being major, alleged to have developed love and affection and on 20.9.16 both ran away from their house and solemnized marriage as per the Hindu custom in the temple at Jaisalmer. In this regard, an affidavit (Annexure-1) dated 11.1.17, is annexed with the writ petition. It is submitted that having come to know about the petitioners' marriage, the respondents No.4 to 13, came at Jaisalmer where they were residing, and forcibly abducted the petitioner No.1 and against her will performed Nikah with the respondent No.5 Biru Khan @ Amir Khan S/o Asgar Ali. It is submitted that on 10.1.17, the petitioner No.1 succeeded to get rid of from the illegal confinement of the respondents No. 4 to 13 and contacted the petitioner No.2. However, the respondents No. 4 to 13 are bent upon to harm and harass the petitioners and are threatening of dire consequences. Thus, the petitioners are under constant threat of violence of respondents No. 4 to 13.

3. In the matter of "Lata Singh vs. State of U.P" reported in 2006 Cr.L.J. 3312, while dealing with a case of harassment by the parents of the boy and girl, who had entered into inter-caste marriage, the Hon'ble Supreme Court have issued

directions to the Administration /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 acts of violence and cannot harass the person who undergoes such i nter-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 couple 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."

4. In view of the directions issued by the Hon"ble Supreme Court in Lata Singh's case (supra), the police authorities are under an obligation to take the appropriate actions against the persons who threat or harass or commit act of violence. There is no reason to believe that the grievances of the petitioners shall not be looked into by the authorities concerned seriously.

5. No case for interference by this Court is made out at this stage.

6. The writ petition is therefore, disposed of with the observations as above.