
(2010) 12 P&H CK 0591

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-38127 of 2010

Shallu Chanagal and Another

APPELLANT

Vs

State of U.T. and Others

RESPONDENT

Date of Decision : 24-12-2010

Acts Referred:

Citation : (2010) 12 P&H CK 0591

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Judgement

S.S. Saron, J.—The Petitioners had a liking for each other which was in the knowledge of the parents of the Petitioners. The parents of Petitioner No. 1 (Respondents No. 4 and 5) and other relatives were, however, opposed to the idea of marriage of Petitioner No. 1 with Petitioner No. 2. They said that the status of both the families was not equal. The Petitioners, therefore, on their own have solemnized their marriage amongst themselves. The marriage was solemnized at Prachin Shiv Durga Mandir, which, it is stated is at Industrial Area, Phase I, Chandigarh. A certificate of marriage (Annexure P-4) issued by the Swayamvar International Cultural Organization and photographs (Annexure P-3) taken at the time of marriage have been placed on record. It is submitted that the Petitioner No. 1 had married Petitioner No. 2 of her own free will and now she is living with him as his wife of her own sweet will and without any threat, coercion, pressure or undue influence from any quarter. However, on account of the marriage that has been solemnized, the Petitioners apprehend threat to their life and liberty from the parents (Respondents No. 4 and 5) of Petitioner No. 1. Petitioner No. 1 has also submitted an application dated 20.12.2010 (Annexure P-5) to the Senior Superintendent of Police, Chandigarh (Respondent No. 2) seeking protection of her life, liberty and dignity and also that of her husband, his friends and relatives. Despite the said application (Annexure P-5), threat to the Petitioners continues. Therefore, they have filed the present petition. It is submitted that both the Petitioners are major. The date of birth of Petitioner No. 1 as per her birth certificate (Annexure P-1) issued by the Local Registrar Births/

Deaths, Kharar, is 11.09.1990 and that of Petitioner No. 2 as per his driving licence (Annexure P-2) issued by the Chandigarh Administration, is 17.09.1987. Petitioner No. 2 is doing private job. Petitioner No. 1 is a house-wife. The averments made in the petition are supported by affidavit of Petitioner No. 1.

2. Both the Petitioners are present in Court and are identified by their counsel. It is stated by the Petitioners that they have solemnized their marriage with each other of their own free will and desire and without any kind of pressure or undue influence. It is also stated by the Petitioners that they were not earlier married. Besides, they are happy with their marriage.

3. Keeping in view the facts and circumstances of the case, the criminal miscellaneous petition is disposed of with a direction to Respondents No. 2 and 3 that in case the Petitioners approach any of them setting out their grievances as have been made in the present petition, the same would be looked into and considered by them independently and in accordance with law.