
(2021) 03 UK CK 0132

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 512 Of 2021

Shivani & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Citation : (2021) 03 UK CK 0132

Hon'ble Judges : Raghvendra Singh Chauhan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Shariq Khurshid, Gaurav Singh, J.S. Virk, Rakesh Kumar Joshi

Judgement

Raghvendra Singh Chauhan, CJ

1. The petitioners have filed this petition, inter alia, on the grounds that although they belong to two different castes, they were in love with each other; they got married according to Hindu rites and rituals on 06.03.2021 at Arya Samaj Mandir.
2. According to them, their marriage has been registered. However, the respondent no.3-the father of petitioner No.1, is unhappy with the marriage. Therefore, he started threatening both the petitioners. According to the petitioners, on 09.03.2021, they had sent a representation to the Senior Superintendent of Police, Haridwar, and clearly pointed out that they are being threatened by respondent No. 3. But despite their representation, no action has been taken by the police as yet. Therefore, the petitioners have a bona-fide fear that both their life and properties are under threat from the respondent no. 3.
3. Needless to say, since the petitioners are major, they have a fundamental right to marry each other, even if the family members of the petitioner no.1 are disagreeable with the marriage. The respondent no.3 cannot be permitted to harass or to threaten the petitioners. Therefore, the Station House Officer, Police Station Bhagwanpur, District Haridwar is directed to provide the police protection to both the petitioners. The police shall also protect their properties, if any. The police shall also ensure that the respondent No. 3, and/or their relatives, or their

henchmen do not threaten, or cause any harm to the petitioners or to their properties.

6. Issue notices to respondent No. 3.

7. The learned counsel for the State/respondents seeks four weeks' time to file counter affidavit.

8. The time, as prayed for, is granted.

9. List this case after four weeks.

10. Let a certified copy of this order be supplied to learned counsel for the parties today itself as per Rules.