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Harpreet Kaur and Another Vs State of Punjab and Others

Criminal Miscellaneous No. M-35683 of 2010 (O and M)

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 6, 2010

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 482#Majority Act, 1875 â€" Section 3

Hon'ble Judges: Daya Chaudhary, J

Bench: Single Bench

Judgement

Daya Chaudhary, J.

Crl. Misc. No. 63391 of 2010

Application is allowed as prayed for.

Crl. Misc. No. M-35683 of 2010

1. 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.

2. Affidavit of Petitioner No. 2-Gurmukh Singh has been filed in Court today and the same is taken on record. As per certificate issued by Punjab

Education Board, date of birth of Petitioner No. 1-Harpreet Kaur is 12.2.1991 and date of birth of Petitioner No. 2-Gurmukh Singh is 14.2.1988.

3. The Petitioners 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 and K 2009 (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. SSP, Nawanshahr 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 performedas the Court is

clearly deprived of any means to determine the aforesaidfacts.

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