

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. No.M-39503 of 2011(O&M)
Date of Decision: December 30, 2011

Rajwinder Kaur and another.

.....Petitioners

Versus

State of Punjab and others.

....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Aman Deep Sibia, Advocate
for the petitioners.

K. KANNAN, J(ORAL)

1. The petitioners seek for protection for life and liberty on the ground that they have performed their marriage voluntarily being adults on 29.12.2011, but they are apprehensive of being harassed by their respective relatives. The petitioners' complaint is that they have sought for protection through representation (Annexure P-5) to the Senior Superintendent of Police, Kapurthala. The issue has been dealt with by the Bench of this Court in **Pardeep Kumar Vs. State of Haryana 2008(2) ILR 62.**

2. In terms of the said judgment, the Senior Superintendent of Police, Kapurthala shall afford such protection as per following directions:

- (i) Whenever any intimation is received by the S.S.P./S.P. of concerned District regarding the marriage of a young couple with a threat and an apprehension of infringement of the right of life and liberty by the police at the instance of the family

members of one of the spouses, the S.S.P/S.P. concerned will consider the representation and will himself/herself look into the matter and issue necessary directions to maintain a record of the said intimation under Chapter 21 of the Punjab Police Rules;

ii) On receipt of abovesaid intimation of marriage by any police officer, necessary directions will be issued to the concerned Police Station to take necessary steps in accordance with law to enquire into the matter by contacting the parents of both boy and the girl. The matter regarding age, voluntary consent of the girl and grievance of her family will be determined. In the eventuality of any complaint of kidnapping or abduction having been received from any of the family members of the girl generally the boy (husband) will not be arrested unless and until the prejudicial statement is given by the girl (wife). Arrest should generally be deferred or avoided on the immediate receipt of a complaint by the parents or family members of the girl taking into consideration the law laid down by Hon'ble Supreme Court in **Joginder Kumar's** case;

(iii) If the girl is major (above 18 years), she should not forcibly be taken away by police to be handed over to her parents against her consent. Criminal force against the boy should also be avoided;

(iv) So far as the threat to the young couple of the criminal force and assault at the hands of the private persons is concerned, it would always be open to the police to initiate action if any substantive offence is found to have been committed against the couple;

(v) In case of any threat to the breach of peace at the hands of the family members of the couple it will always be open to the State authorities to take up the security proceedings in accordance with law;

(vi) It will not be open to the "run away couple" to take law in their hands pursuant to the indulgence shown by the police on the basis of their representation sent to the SSP/SP of the concerned District;

(vii) If despite the intimation having been sent to the SSP/SP there is an apprehension or threat of violation of right of personal life and liberty or free movement,

the remedy of approaching the High Court should be the last resort;

(viii) In case there is an authority constituted for issuance of marriage certificate as per the law laid down by Supreme Court in Seema's case in the concerned districts, the couple of so called 'run away marriage' should get the marriage registered in compliance with the directions of the Supreme Court and a copy of the same should also be forwarded to the police alongwith the representations or any time subsequent thereto;

(ix) Nothing said hereinabove will prevent the immediate arrest of a person who fraudulently entices a girl with false promises and exploits her sexually as per the statement of the girl.

3. The Crl. Misc. is disposed of.

30.12.2011

Rajan

**(K. KANNAN)
JUDGE**