

CNR No.HRKR01-007904-2018
Protection Petition No.70 of 2018.

CIS No.02 of 2018

Sonu and another Versus State of Haryana and others

Present : Petitioners Sonu and Pinki in person.
PSI Rishipal and Lady constable Preeti in person on behalf of
respondent No.3.
Respondents No.4 to 7 in person with counsel
Shri Prem Singh Kashyap.

ORDER :

The parents of petitioner Pinki are present. They say that everything mentioned by the petitioners is false in as much as the age of Sonu has been mentioned as 21½ years, whereas from the Secondary School Examination certificate issued by Board of School Education, Haryana, it is evident that he is hardly 18 years 5 months of age. They claim further that in the petition, it is mentioned that they got married on 14.5.2018, whereas Pinki eloped on the night intervening 17/18.5.2018. On being asked as to where they got married, the petitioners stated that they were taken by their Advocate to a temple where their photograph was clicked. They were asked to accompany PSI Rishipal from Police Station City, Karnal to go and identify the temple where they got married. They have come back after three hours and as per PSI Rishipal, they have not been able to point out the temple. The petitioners were again asked where they did get married. They claim that their photograph was clicked in the chamber of their Advocate. They further claim that whatever their Advocate

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asked them to do, they did.

2. Learned counsel for respondents would seek indulgence of the Court in lodging a complaint against the petitioners in exercise of the power vested in it under Section 340 Cr.P.C., but to my mind, in the given circumstances, where innocent petitioners have been taken to a ride by their counsel, I do not deem just and expedient to initiate any action against them. In so far as their Advocate is concerned, it is for the Bar Council to take appropriate action.

3. Counsel for the respondents would submit that the marriage between the petitioners being sham, the petition itself is not maintainable. He is right to the extent that marriage is sham, but to say that the petition for protection is not maintainable, will be wrong. The purpose of filing the petition is to provide protection to the life and liberty of the petitioners. The fact remains that if Pinki eloped with Sonu, whether they have already performed marriage or, yet to perform marriage, is not the question. The question is as to whether anybody including the parents and relatives of the petitioners has the right to interfere with their life and liberty and the answer, to my mind, is that nobody has such a right. For this reason, the life and liberty of the petitioners has to be protected. Even if we stretch the arguments, Pinki is major. She wants to live with Sonu. There is nothing in law which stops her. If the marriage between them is void or voidable or even if it has not been performed, it does not stop them from coming to Court seeking protection.

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4. At this stage, the respondents No.4 to 7 namely Babita, Rajinder, Chatru and Mukesh Kumar state that they have neither threatened the petitioners nor they intend to do so in future and they do not want to maintain any relation whatsoever with them. In response, the petitioners have given a statement withdrawing the petition. Ordered accordingly.

5. Nothing observed herein above shall be taken to be opinion of the Court as to the validity of marriage between the petitioners. Whatever has been observed was with a view to protect their life and liberty and nothing beyond that. If they have not yet performed marriage or marriage between them is void or voidable, necessary action as per law can be taken if so permissible under law. File be completed and consigned to the record room.

Copy of the order be sent to the President, District Bar Association, Karnal and the Chairman, Bar Council of Punjab and Haryana High Court, Chandigarh.

Announced :
30.5.2018

(Jagdeep Jain)
Sessions Judge, Karnal
(UID No.HR0027)

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Present : None.

File taken up today again as it has been brought to my notice that name of the counsel for petitioners has nowhere been mentioned in the detailed order. Shri Des Raj Goyal, Advocae, who sought protection of the petitioners, did not appear today and the petitioners in person were produced by the police from Protection Home, Karnal. Copy of the detailed order dated 30.5.2018 has been ordered to be sent to President, District Bar Association, Karnal and the Chairman, Bar Council of Punjab and Haryana High Court, Chandigarh. Thus, it would be necessary to clarify that petitioners were represented by Shri Des Raj Goyal, Advocate, at the time of seeking protection of the petitioners. Accordingly, copy of this order be also sent along with the copy of the detailed order. After due compliance, file be consigned to record room.

30.5.2018

(Jagdeep Jain)
Sessions Judge, Karnal
(UID No.HR0027)

Typed by : Vandana Gupta
Stenographer Gr.II

Jagdeep Jain,
Sessions Judge,
Karnal, 30.5.2018