
(2018) 09 P&H CK 0226

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No.No. 43175 Of 2018

Divya and another

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 28-09-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Constitution of India, 1950 — Article 21

Citation : (2018) 09 P&H CK 0226

Hon'ble Judges : Rajbir Sehrawat, J

Bench : Single Bench

Advocate : Satnam Sishodia

Final Decision : Disposed off

Judgement

Both the petitioners are present in person and identified by their counsel. They seek protection of their life and liberty by contending that both of them

having attained the age of majority, have married each other against the wishes of their respective family members/respondents No.4 and 5 and so

seek appropriate protection from the authorities. They submitted a representation (Annexure P- 4) in this regard to the The Superintendent of Police,

Karnal on 26.9.2018, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family

members/respondents.

Both of them do appear to have crossed the age of majority as seen from the copies of documents filed and have married each other, in support of

which photographs (Annexures P- 3) has been placed on record.

For the aforesaid reasons, this appears to be a fit case for this Court to invoke the inherent powers under Section 482 of the Cr.P.C. and in view of

the mandate contained in Article 21 of the Constitution of India to protect the citizen's right to life and liberty.

Thus, The Superintendent of Police, Karnal is directed to consider the representation dated 26.9.2018 (Annexure-P-4) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

It is nevertheless clarified that this order is issued only on the premise that the petitioners have crossed the age of majority as seen from the

documents placed on record being copy of birth certificate and Aadhaar Card of petitioner No. 1 and copy of Secondary School Examination and

Aadhaar Card of petitioner No.2 (Annexures P-1 & P-2) respectively. This would not ipso facto amount to granting any seal of approval on the

legality of their marriage which essentially would come in the domain of the concerned Matrimonial Courts. Further, they would not be entitled for any

protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence

(s).

The petition is disposed off with the above direction.