

(2020) 05 P&H CK 0019

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 3089 Of 2020

Happy And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 15-05-2020

Acts Referred:

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

Citation : (2020) 05 P&H CK 0019

Hon'ble Judges : Sudip Ahluwalia, J

Bench : Single Bench

Advocate : Avtar Singh Bhatti

Final Decision : Disposed Of

Judgement

Sudip Ahluwalia, J

1. Both the petitioners are present in person and identified by their counsel. They seek protection of their life and liberty by contending that they have married each other against the wishes of their respective family members respondents No.4 to 15. They submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police, District Hoshiarpur, on 12.05.2020, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Undisputedly, petitioner No.2 has crossed the age of majority as seen from the copy of her Aadhaar Card (Annexure P-2), petitioner No.1 is yet to cross that age although he admittedly is 20 years of age according to his Aadhaar Card (Annexure P-1), and therefore, certainly appears to have attained the age of discretion. In identical circumstances, a Co-ordinate Bench of this Court had allowed a similar petition on the ground that since the relief is restricted only to protection of life and liberty, this Court, in exercise of its inherent jurisdiction under Section 482 of the Cr.P.C., is not required to go into the validity of the

marriage between the concerned parties ("Neelam Rani and another Vs. State of Haryana and others" 2011(1) R.C.R. (Civil) 636).

3. In support of their plea, the petitioners have placed on record photographs and Certificate of the Marriage issued by "Gurudwara Hargobind Sahib, Akash Colony, Ravidas Nagar, Hoshiarpur", being Annexures P-3 and P-4, respectively.

4. 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.

5. Thus the Senior Superintendent of Police, District Hoshiarpur, is directed to consider the representation dated 12.05.2020 (Annexure P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

6. It is nevertheless clarified that this order is issued only on the premise that petitioner No.1 and 2 have crossed the age of majority as seen from the documents placed on record being their Aadhaar Cards and Affidavit by the petitioners in support of their marriage have been placed on record, 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).

7. The petition is disposed off with the above direction.