
(2019) 12 P&H CK 0271

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 2430 Of 2019

Jaswinder Kaur And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 19-12-2019

Acts Referred:

Constitution Of India, 1950 — Article 21, 226, 227

Citation : (2019) 12 P&H CK 0271

Hon'ble Judges : Rajbir Sehrawat, J

Bench : Single Bench

Advocate : Sajida Akhtar

Final Decision : Disposed Of

Judgement

1. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to respondent Nos. 1 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 to 9, not to harass or interfere in the peaceful married life of the petitioners.

2. 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 to 9 and so seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police, Hoshiarpur on 18.12.2019, but are still apprehensive about their safety and security in view of the alleged inaction of the police and the alleged clout of their family members/respondents.

3. Notice of motion to the Advocate General, Punjab only.

4. Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State.

5. Both of them do appear to have crossed the age of majority as seen from the

copies of documents filed and claim to have married each other, in support of which photographs (Annexures P-3) have been placed on record.

6. For the aforesaid reasons, this appears to be a fit case for this Court to invoke the writ jurisdiction under Article 226 of the Constitution of India to ensure the right to life and liberty as guaranteed to them by Article 21 of the Constitution.

7. Thus, the Senior Superintendent of Police, Hoshiarpur is directed to consider the representation dated 18.12.2019 (Annexure-P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

8. 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 Voter I-Card and Aadhaar Card of the petitioners No. 1 & 2 (Annexures P-1 & P-2 respectively). The petitioners have produced on record a copy of the alleged certificate (Annexure P-4) qua their stated marriage. However, this order 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).

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