

(2018) 09 P&H CK 0068

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous -M- No.40358, 40403 of 2018 (O&M)

Jyoti and another

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 13-09-2018

Acts Referred:

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

Citation : (2018) 09 P&H CK 0068

Hon'ble Judges : Rajbir Sehrawat, J

Bench : Single Bench

Advocate : Deepak Sharma

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/respondent No.5 and so seek

appropriate protection from the authorities. They submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police,

Fazilka on 10.09.2018, 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 Senior Superintendent of Police, Fazilka is directed to consider the representation dated 10.09.2018 (Annexure-P-5) 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 Aadhaar Cards of the petitioners No.1 & 2 (Annexures P-1 & P-2). The petitioners have produced on record a

copy of their marriage certificate(Annexure P-4). 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.