

(2020) 02 P&H CK 0001

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 1131 Of 2020

Jyoti And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 03-02-2020

Acts Referred:

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

Citation : (2020) 02 P&H CK 0001

Hon'ble Judges : Sudip Ahluwalia, J

Bench : Single Bench

Advocate : Karandeep Singh

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 both of them having attained the age of majority, have married each other against the wishes of their respective family members respondent Nos.4 and 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 28.01.2020, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Mr. S.K. Bishnoi, Advocate has put in appearance and filed his Power of Attorney on behalf of respondent No.4 today in Court; Be kept on record. Ld. Counsel for the said respondent submits that from his side there is not threat to the petitioners.

3. 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, Marriage Certificate issued by "Shiv Durga Mandir, Village Ferozpur, Sector 19,

Panchkula Haryana" and photographs (Annexures P-3 & P-4) have been placed on record.

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, Fazilka is directed to consider the representation dated 28.01.2020 (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 the petitioners have crossed the age of majority as seen from the documents placed on record being their Aadhar Cards (Annexures P-1 & P-2). 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.