

(2017) 10 P&H CK 0015
In the Punjab And Haryana At Chandigarh
Case No : 39536-2017

Kiranjeet Kaur and another	Vs	APPELLANT
State of Punjab and others		RESPONDENT

Date of Decision : 18-10-2017

Acts Referred:

Constitution of India, Article 21 -
Amendment of the Schedule
Code of Criminal Procedure, 1973, Section
482 - Saving of inherent powers of High Court

Citation : (2017) 10 P&H CK 0015

Hon'ble Judges : Rajbir Sehrawat

Bench : SINGLE BENCH

Advocate : J.K. Goel

Final Decision : Disposed

Judgement

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 to 11 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-6) in this regard to the Commissioner of Police, Amritsar dated NIL, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members/ respondents.
2. 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 (Annexure P-4) and Marriage Certificate issued by Gurudwara Dashmesh Pita Patshahi Dasvi (Regd.) Village Singa Devi, Teh. Kharar, District Mohali (Pb) have been placed on record.

3. 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.

4. Thus, the Commissioner of Police, Amritsar is directed to consider the representation dated NIL (Annexure P-6) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

5. 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 Birth certificate (Annexure P-1), Matriculation Certificate (Annexure P-2) and Aadhar Card (Annexure P-8) of petitioner No.2 and Matriculation Certificate (Annexure P-10) and petitioner No. 2 has not produced on record a copy of her Aadhar Card. However, petitioner No.1 has appended an affidavit in support of her date of birth (Annexure P-9). 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).

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