

(2017) 11 P&H CK 0030
In the Punjab And Haryana At Chandigarh
Case No : 44627-2017

Komal and another

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 24-11-2017

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) 11 P&H CK 0030

Hon'ble Judges : Sudip Ahluwalia

Bench : SINGLE BENCH

Advocate : Susheel Gautam

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, having married each other against the wishes of their respective family members respondent Nos.4 to 7, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-7) in this regard to the Superintendent of Police, Panipat on 21.11.2017, 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 (Annexures P-3 to P-6) 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 Superintendent of Police, Panipat is directed to consider the representation dated 21.11.2017 (Annexure P-7) 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 their Aadhaar Cards. The petitioners have not produced on record a copy of their marriage certificate. However, they have appended affidavits in support of their marriage and photographs (Annexures P-3 to P-6). 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.