

(2020) 06 P&H CK 0016

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 3788 Of 2020

Neha Devi And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 16-06-2020

Acts Referred:

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

Citation : (2020) 06 P&H CK 0016

Hon'ble Judges : Sudip Ahluwalia, J

Bench : Single Bench

Advocate : Sarvesh Kumar Gupta

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, having married each other against the wishes of their respective family members-respondents No.4 to 6, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-5) in this regard to the Commissioner of Police, Ambala, on 10.06.2020, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-private respondents.

2. Undisputedly, petitioner No.1 has crossed the age of majority as seen from the copy of her Aadhaar Card (Annexures P-1) and petitioner No.2 is admittedly 18 years of age according to his Aadhaar Card (Annexure P-2). Therefore, they certainly appear to have attained the age of discretion. In identical circumstances, a Co-ordinate Bench of this Court had allowed a similar petition on the ground that since the relief is restricted only to protection of life and liberty, this Court, in exercise of its inherent jurisdiction under Section 482 of the

Cr.P.C., is not required to go into the validity of the marriage between the concerned parties ("Neelam Rani and another Vs. State of Haryana and others" 2011(1) R.C.R. (Civil) 636).

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, photographs and Certificate of the Marriage issued by "Shastriya Brahman Sangh (Archak Mandal) Regd., Ambala City", being Annexure P-4 and P-3, respectively, 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 Commissioner of Police, Ambala, is directed to consider the representation, dated 10.06.2020, (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, i.e. Annexures P-1 and 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.