

(2017) 10 P&H CK 0025
In the Punjab And Haryana At Chandigarh
Case No : 39418 of 2017

Rajbir Kaur and another

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 16-10-2017

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 0025

Hon'ble Judges : Sudip Ahluwalia

Bench : SINGLE BENCH

Advocate : Amit Sharma

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 9, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-6) in this regard to the Senior Superintendent of Police, Ferozepur on 7th October, 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 and Marriage Certificate issued by "Gurudwara Man Sarovar Sahib Ji, Harike Patan (District Tarn Taran)" and photographs (Annexures P-4 and P-5) 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 Senior Superintendent of Police, Ferozepur is directed to consider the representation dated 7th October, 2017 (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 their Aadhar Cards (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).

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