

(2022) 06 P&H CK 0037

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 5588 Of 2022

Shurmu And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 08-06-2022

Acts Referred:

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

Citation : (2022) 06 P&H CK 0037

Hon'ble Judges : Sandeep Moudgil, J

Bench : Single Bench

Advocate : Liaqat Ali

Final Decision : Disposed Of

Judgement

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Sandeep Moudgil, J

Learned counsel for the petitioners seek protection of life and liberty of the petitioners 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 to seek appropriate protection from the authorities. They submitted a representation dated 03.06.2022 (Annexure P-5) in this regard to the Senior Superintendent of Police, Jalandhar but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

Notice of motion.

On the asking of the Court, Mr. Sukhbeer Singh, A.A.G. Punjab accepts notice on behalf of the official respondents-State. A copy of the paper-book be handed over to him during the course of the day.

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 Nikahnama (Annexures P-3 and P-4) have been placed on record.

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.

Thus, the Senior Superintendent of Police, Jalandhar is directed to consider the representation dated 03.06.2022 (Annexure P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

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. 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).

The petition is disposed of with the above direction.