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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-15486-2018
Date of Decision: 18.04.2018**

Amritpal Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jagpal Singh, Advocate,
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

Both the petitioners are present in person and identified by their counsel. They seek protection of their life and liberty by contending that they have married each other against the wishes of their respective family members respondent No.4 to 8. They submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police, Gurdaspur on 10.02.2018, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Undisputedly, petitioner No.2 has crossed the age of majority as seen from the copy of his Aadhaar Card (Annexure P-2), petitioner No.2 appears to have attained the age of discretion as seen from her Aadhaar Card (Annexure P-1), according to which she is 16 years and four months old by now. 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. In support of their plea, the petitioners have placed on record Marriage Certificate issued by “Ithasik Gurudwara Mata Ganga Ram Ji, G.T. Road, Baba Bakala Sahib, District Amritsar” and photographs (Annexures P-3 and P-4).

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 Senior Superintendent of Police, Gurdaspur is directed to consider the representation dated 10.02.2018 (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 petitioner No.2 has crossed the age of majority and petitioner No.1 is in 17th year of her life as seen from the documents placed on record being their Aadhaar Cards and Affidavit by petitioner No.2 in support of their marriage has been placed on record though they have not produced copy of their marriage certificate, 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.

18.04.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No