IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 21206 of 2018
Date of decision : July 31, 2018

Kinder Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vijay Kumar, Advocate
for the petitioners.

Mr. K. S. Aulakh, DAG., Punjab.

Ms. Sukhveer Kaur, Advocate
for respondent Nos. 4 and 5.

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RAJBIR SEHRAWAT, J (oral).

Notice of motion was issued and a direction was given to the Senior Superintendent of Police, Fazilka by this Court vide order dated 17.5.2018 to protect the lives and liberty of the petitioners.

Petitioners, through this petition, 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/ respondents No.4 & 5 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P- 4) in this regard to the Senior Superintendent of Police, Fazilka on 15.5.2018, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members/respondents.

Both of them do appear to have crossed the age of majority as seen from the copies of documents filed and have married each

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other, in support of which photographs (Annexures P-3) has 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, Fazilka District Fazilka is directed to consider the representation dated 15.5.2018 (Annexure- P-4) 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 Aadhar Cards of petitioner No.1 and 2 (Annexures P-1 and P-2). The petitioners have not produced on record a 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).

The petition is disposed off with the above direction

(RAJBIR SEHRAWAT)
JUDGE

July 31, 2018
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Whether speaking/reasoned **Yes**
Whether Reportable **No**

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