

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

CRM-M-25288-2018

Date of decision: 18.07.2018

Seema Kaur & anr.

.... Petitioners

VS.

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: None for the petitioners.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Robin Bansal, Advocate
for respondents No.4 & 5.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed under Section 482 Cr.PC seeking 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 and 5 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-4) in this regard to Senior Superintendent of Police, Patiala on 04.06.2018, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members/respondents.

Vide order dated 06.06.2018, notice of motion was issued.

Learned counsel appearing for respondents No.4 and 5 has filed an affidavit dated 18.07.2018 stating that in fact petitioner No.2 is a drug addict and is a person of bad character. It is specifically mentioned in the affidavit that respondents No.4 and 5 do not have any objection with regard

to the marriage in question.

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 (Annexure P-3) has been placed on record.

For the aforesaid reasons, this appear to be a fit case for this Court to invoke the inherent powers under Section 482 Cr.PC 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 Sr. Superintendent of Police, Patiala is directed to consider the representation dated 04.06.2018 (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 Aadhaar Cards of petitioners No.1 & 2 (Annexures P-1 & 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 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.

18.07.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No