

Sr. No.121

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

**CRM-M-No.9098 of 2019 (O&M)
Decided on: 27.02.2019**

Shakina @ Shakeena and anotherPetitioners

Versus

State of Punjab and othersRespondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.K. Chaudhary, Advocate
for the petitioners.

Rajbir Sehrawat, 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 both of them have married each other against the wishes of their respective family members/respondents No.5 and 6 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-4) in this regard to the **Senior Superintendent of Police, Pathankot** on 22.02.2019, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members/respondents.

Petitioner No.2 do appear to have crossed the age of majority as seen from the copy of documents filed. Although petitioner No.1 is not of 18 years of age. However, the counsel has relied upon judgments of this Court rendered in CRM-M No.2121 of 2015 – Jaswinder Kaur v. State of Punjab and others, CRM-M-5899 of 2014 – Sabba Singh @ Sarbjeet Singh @ Harmanpreet Singh v. State of Punjab and others and CRM-M No.35410 of 2010 – Neelam Rani and another v. State of Haryana and others, to contend that petitioner No.1 has reached the age of discretion and

understanding and, therefore, the protection of life and liberty cannot be denied on the ground that petitioner No.1 is of the age of less than 18 years.

Both of them have married each other, in support of which photographs (Annexures P-3) 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, Pathankot is directed to consider the representation dated 22.02.2019 (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 placed the documents on record being **Aadhaar Cards** of the petitioners No.1 & 2 (Annexures **P-1A & 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).

The petition is disposed off with the above direction.

February 27, 2019
renu

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*
Whether Reportable *Yes/No*