

Sr. No.124

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

CRM-M-12748-2019

Date of decision:19.03.2019

Saroj Rani and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Sakshi Saini, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.349 dated 25.09.2018 registered under Section 346 of the Indian Penal Code(for short 'the IPC'), at Police Station Rania, District Sirsa against petitioner No.2 and further for issuance of directions to respondents No.1 to 3 to not to harass or interfere in the peaceful married life of the petitioners at the instance of respondents No.4 and 5.

Learned counsel for the petitioners submits that the present petition be restricted only to the relief of grant of protection to the petitioners. Qua other relief of the quashing of the FIR, present petition be dismissed as withdrawn with liberty to avail alternate remedies.

Accordingly, the petition is dismissed as withdrawn qua other relief with liberty aforesaid and petition is entertained only qua the relief of protection to life and liberty.

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 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-7) in this regard to the Superintendent of Police, District Sirsa on 15.03.2019, 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 other, in support of which photographs (Annexures P-5) 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 Superintendent of Police, District Sirsa is directed to consider the representation dated 15.03.2019(Annexure-P7) 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 petitioners No.1 and 2(Annexures P-2 and P-3). The petitioners have produced on record a copy of their marriage certificate(Annexure P-4). 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.

19th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*