

Sr. No.114

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

CWP-17063-2019

Date of decision:24.06.2019

Pushpa Devi and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Both the petitioners are present in person and identified by their counsel. In this petition, petitioners 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 to 8. Therefore, they apprehend threat to their life and liberty. To seek appropriate protection from the authorities, they claim to have submitted a representation(Annexure P-5) in this regard to the Senior Superintendent of Police, Fazilka on 20.06.2019. However, no action has been taken pursuant to their representation. Therefore, they are still apprehensive about their security in view of the alleged clout of their family members/respondents.

Mr. G.S.Dhaliwal, Advocate has put in appearance on behalf of the respondents and submits that respondents have no objection to the marriage of the petitioners. Brother of petitioner No.1, Amrit(respondent No.6) has stated that petitioner No.1 is free to live her life as per her choice and that they are not concerned with the life of petitioner No.1, Pushpa Devi

anymore.

Petitioner No.1 do appear to have crossed the age of majority as seen from the copy of documents filed. Although petitioner No.2 is not of 21 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.2 is of the age of less than 21 years. The petitioners have married each other, in support of which photographs (Annexures P-4) have been placed on record.

For the aforesaid reasons, this appears to be a fit case for this Court to issue direction to the authorities to ensure protection of life and liberty of the petitioners in view of the mandate contained in Article 21 of the Constitution of India.

Thus, the Senior Superintendent of Police, Fazilka is directed to consider the representation dated 20.06.2019(Annexure-P5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

However, it is clarified that this order is issued only on the premise that the petitioner No.1 has crossed the age of majority, as seen from the documents placed on record being Aadhar Card of petitioners No.1 (Annexure P-1) and petitioner No.2 appears to have reached the age of discretion as shown by photocopy of mark sheet of Matriculation

Examination of petitioner No.2, which is produced in Court and the petitioners have also produced on record copy of their Marriage Certificate (Annexure P-3).

However, this Order 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, it is clarified that the petitioners 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.

24th June, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*