

Sr. No.110

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

CWP-17140-2019

Date of decision:25.06.2019

Santosh Kumari and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rishu Mahajan, 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, District Pathankot on 28.05.2019. 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.

Both of them do appear to have crossed the age of majority, as seen from the copies of documents filed and claim to have married each other, in support of which Marriage Photographs(Annexure P-4) has 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, District Pathankot is directed to consider the representation dated 28.05.2019(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 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-1 and P-2) 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.

25th June, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*