

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

112

CRWP No.2205 of 2019 (O&M)
DATE OF DECISION : 17th DECEMBER, 2019

Nitish Kumar & another

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Manoj K. Sharma, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to the official respondents No. 1 to 3 to safeguard the life and liberty of the petitioners as they have got married against the wishes of respondents No. 4 & 5.

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 & 5 and 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, Tarn Taran on 16.12.2019, but are still apprehensive about their safety and security in view of the alleged inaction of the police and the alleged clout of their family members/respondents.

Notice of motion to the State only.

Mrs. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State.

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 photographs (Annexures P-4) have been placed on record.

For the aforesaid reasons, this appears to be a fit case for this Court to invoke the writ jurisdiction under Article 226 of the Constitution of India to ensure the right to life and liberty as guaranteed to them by Article 21 of the Constitution.

Thus, the Senior Superintendent of Police, Tarn Taran is directed to consider the representation dated 16.12.2019 (Annexure-P-5) 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 Matriculation Certificates of the petitioners No.1 & 2 (Annexures P-1 & P-2). The petitioners have produced on record a copy of the alleged certificate (Annexure P-3) qua their stated marriage. 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, 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.

17th DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>