

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

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CRWP No.2439 of 2019 (O&M)
DATE OF DECISION : 20th DECEMBER, 2019

Nikita Verma & another

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Manvir Singh Toor, 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 protect the married life, liberty and property of the petitioners and family members of petitioner No.2 and further directing the respondent Nos. 4 & 5 not to harass the petitioners in any manner.

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. To seek appropriate protection from the authorities, they claimed to have submitted a representation (Annexure P-5) in this regard to the Commissioner of Police, Jalandhar City on 16.12.2019. But they 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 Commissioner of Police, Jalandhar City 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 Aadhaar Card and Affidavit of the petitioners No.1 & 2 respectively (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.

20th DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No