

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

CRWP No.2297 of 2020

Date of Decision:- 02.03.2020

Nishi and another

.....Petitioners

V/S

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Fatehjeet Singh, Advocate
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

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 having married each other against the wishes of their respective family members respondent Nos. 4 to 7 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-5) in this regard to the Commissioner of Police, Jalandhar on 28.02.2020 but are apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Both of them do appear to have crossed the age of majority as seen from the copies of the documents filed and have married, each other in support of which, photographs and Marriage Certificate issued by “Prachin Pashupati Nath Shiv Mandir, M.D.C., Sector-6, Panchkula” (Annexure P-4) have been placed on record.

3. 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.

4. Thus the Senior Superintendent of Police, U.T., Chandigarh is directed to consider the representation dated 26.02.2020 (Annexure P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

5. 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 their Aadhar Cards. 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).

6. The petition is disposed off with the above direction.

(SUDIP AHLUWALIA)
JUDGE

02.03.2020

Atul

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No