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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRWP No.2788 of 2020
Date of Decision: 18.03.2020

Afsana and another

..... Petitioners

Versus

State of U.T., Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vishal Thakur, 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 6, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-6) in this regard to the Superintendent of Police, Chandigarh on 12.03.2020, but are still 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 documents filed and have married, each other in support of which, photographs and Marriage Certificate issued by "Prachin Pashupati Nath Shiv Mandir (Regd.), 02375, MDC, Sector-6, Panchkula, Haryana" (Annexures P-4 & P-5) have been placed on record.

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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 Superintendent of Police, Chandigarh is directed to consider the representation dated 12.03.2020 (Annexure P-6) 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 the Aadhar cards of the petitioners. 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

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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