

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

113

CRWP No.8289 of 2020

DATE OF DECISION : 12th OCTOBER, 2020

Tanu Devi & another

.... **Petitioners**

Versus

State of Punjab & others

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Neeraj Januha, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 & 5, not to harass or interfere in the peaceful married life of the petitioners.

2. The counsel for the petitioners has submitted that he has verified the identity of the petitioners.

3. The 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 & 5 and so seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-6) in this regard to the Senior Superintendent of Police, SAS Nagar

Mohali, on 05.10.2020, 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.

4. Notice of motion.

5. Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the State and Mr Karan Singh Advocate, put in appearance on behalf of respondents No.4 & 5.

6. The counsel for respondents No.4 & 5 has submitted that the respondents have no intention to harass the petitioners. Although the petitioner No.1 was engaged to suitable boy, however, since she has left the house of her parents, therefore, the respondents No.4 & 5 have no concern with the life of petitioner No.1. She can reside in the manner and at the place of her choice.

7. Both the petitioners 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 certificate (Annexures P-5) have been placed on record.

8. 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.

9. Thus, the Senior Superintendent of Police, SAS Nagar Mohali, is directed to consider the representation dated 05.10.2020 (Annexure-P-6) 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 Birth Certificate and Mark Sheet of the petitioner No.1 and Aadhar Card of petitioner No.2 (Annexures P-1 to P-3). The petitioners have produced on record a copy of the alleged marriage certificate (Annexure P-5) 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).

10. The petition is disposed of with the above direction.

12TH OCTOBER, 2020
‘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>