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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRWP-48-2021
Date of Decision: 06.01.2021

****

Kapil and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mukesh Yadav, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

Both the petitioners are present in person through Video Conferencing and identified by their counsel. They seek protection of their life and liberty by contending that both are living together in a live-in-relationship 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-4) in this regard to the Superintendent of Police, Narnaul, District Mahendergarh on 02.01.2021, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Undisputedly, petitioner No.2 has crossed the age of majority as seen from the copies of her Aadhaar Card and Secondary Examination Certificate (Annexures P-2 & P-3) and petitioner No.1 is admittedly 20 years of age, according to his Aadhaar Card (Annexure P-1). Therefore, they certainly appear to have attained the age of discretion. In identical circumstances, a Co-ordinate Bench of this Court had allowed a similar

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petition on the ground that since the relief is restricted only to protection of life and liberty, this Court, in exercise of its inherent jurisdiction under Section 482 of the Cr.P.C., is not required to go into the validity of the marriage between the concerned parties ("***Neelam Rani and another Vs. State of Haryana and others***" ***2011(1) R.C.R. (Civil) 636***).

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, Narnaul, District Mahendergarh, is directed to consider the representation dated 02.01.2021 (Annexure P-4) 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 petitioner No.2 (girl) has crossed the age of majority as seen from the documents placed on record. However, 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

06.01.2021
Bhumika

1. Whether speaking/reasoned: Yes

2. Whether reportable: No

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