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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.3828 of 2021
Date of Decision: 23.04.2021

Neha and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. B.S. Aulakh, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

Both the petitioners 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-respondents No.4 to 7, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-4) in this regard to the Senior Superintendent of Police, Sri Muktsar Sahib, on 16.04.2021, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-private respondents.

2. Undisputedly, petitioner No.1 has crossed the age of majority as seen from the copy of her Aadhaar Card (Annexure P-1) and petitioner

No.2 is admittedly below 21 years of age according to his Aadhaar Card (Annexure P-2), but has admittedly crossed the age of 18 years, and is therefore, presumed to be aware about the consequences of his actions and decisions. 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 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. 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, Certificate of the Marriage issued by “Prachin Ishapuram Ma Kalka Shani Dev Mandir, back side of Ajit Cinema, Bathinda Road, Sri Muktsar Sahib” (Annexure P-3) has been placed on record.

4. 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.

5. Thus, respondent No.2 - Superintendent of Police, District Sri Muktsar Sahib, is directed to consider the representation, dated 16.04.2021, (Annexure P-4), and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

6. 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, i.e. Annexures P-1 and P-2. 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).

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

23.04.2021*Apurva***(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/ reasoned : | Yes/ No |
| 2. Whether reportable : | Yes/ No |