

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

CRWP No.4042 of 2021

Date of decision : April 29, 2021

Rajwinder Kaur and another Petitioners

Versus

State of Punjab and others Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Kuldip Singh, Advocate for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to respondents No.2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 10, not to harass or interfere in the peaceful married life of the petitioners.

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

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 Nos.4 to 10 and so seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police, Fazilka on 18.04.2021, 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.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab, accepts notice on behalf of the State.

Mr. Karandeep Singh, Advocate has appeared on behalf of respondent Nos.4 to 10 and submitted that the respondents have no objection to the marriage of the petitioners. The petitioners are free to live their life as per their choice. The respondents have neither ever threatened the petitioners nor have any intention to do so. It is also submitted that the parents of petitioner No.1 should be permitted at least, to meet her, even if that is to happen in the presence of police.

Both of them 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 photographs of marriage (Annexure P-3) have been placed on record.

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.

Thus, the Senior Superintendent of Police, Fazilka is directed to consider the representation dated 18.04.2021 (Annexure-P-5) 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 Aadhaar Cards of the petitioners No.1 & 2 (Annexures P-1 & P-2 respectively). The petitioners have produced on record a copy of the alleged marriage certificate(Annexure P-4) 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).

The petition is disposed of with the above direction.

The Senior Superintendent of Police, Fazilka is directed to ensure that the parents of petitioner No.1 are made to meet petitioner No.1 at least once, even if that has to be done in the presence of the police to ensure the safety and security of the petitioners.

(RAJBIR SEHRAWAT)
JUDGE

April 29, 2021

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Whether speaking / reasoned

Yes

Whether Reportable:

No