

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

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CRWP No.4631 of 2021 (O&M)
DATE OF DECISION : 20th MAY, 2021

Ritu & another

.... Petitioners

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Vikram Jeet Singh, 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.2 & 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 10, 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 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 Superintendent of Police, Sonipat, on 17.5.2021, 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.

4. Notice of motion.

5. Mr. Rajesh Gaur, Additional Advocate General, Haryana, accepts notice on behalf of the State and Mr. Deepak Girotra, Advocate put in appearance on behalf of respondents No.4 & 5.

6. The counsel for respondents No.4 & 5 has submitted that the answering respondents do not have any objection to the marriage of the petitioners as such, if at all it can be said to be a marriage. The petitioners are free to reside at the place of their choice as per their sweet will. The answering respondents have no concern, whatsoever, with the life and liberty of the petitioners. However, it is also pointed out by counsel for the respondents No.4 & 5 that the petition is based upon fabricated facts because petitioner No.1 is minor by age. The petitioner No.2 has forged the Aadhar Card of petitioner No.1 just to mislead the court. Therefore, petitioner No.2 is criminally liable for his acts.

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 photographs (Annexures P-3) 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 Superintendent of Police, Sonipat is directed to consider the representation dated 17.05.2021 (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). 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).

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

20th MAY, 2021
'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>