

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRWP No.6496 of 2021
Date of Decision: July 26, 2021

Lakhwinder Kaur and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Tapish Kumar Gupta, Advocate for the petitioners.

Mr.B.S. Sewak, Additional Advocate General, Punjab.

SUDIP AHLUWALIA J. (ORAL)

Ld. State Counsel submits that he has no instructions regarding compliance of the previous order passed on 14.07.2021.

Both 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 respondent Nos.4 and 5 and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police, District Amritsar, Punjab on 10.07.2021 but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. 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, Marriage Certificate issued by “ **Gurudwara Guru Nanak Niwas Sahib, Village Karor Kalan, Tehsil Kharar, District Mohali** (Annexure P-4) and

photographs (Annexure P-3) have been placed on record.

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 Senior Superintendent of Police, Fazilka is directed to consider the representation dated 20.07.2021 (Annexure P-6) 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.1 (bride) has crossed the age of majority as seen from the documents placed on record being her Matriculation Certificate. 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).

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

(SUDIP AHLUWALIA)
JUDGE

July 26, 2021

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Whether speaking/reasoned:	Yes/No.
Whether reportable:	Yes/No