

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

118

CRWP No.9461 of 2021

Date of Decision: October 04, 2021

Rakeshia and another

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Dhivya Jerath, Advocate for the petitioners.

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

SUDIP AHLUWALIA J. (ORAL)

Both the petitioners 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 11, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-4) in this regard to the Senior Superintendent of Police, Hoshiarpur, on 30.09.2021, 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.1 has crossed the age of majority as seen from the copy of her Aadhaar Card (Annexures P-1) and petitioner No.2 is admittedly 21 years of age according to his Aadhaar Card (Annexure P-2). 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. 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, Hoshiarpur, is directed to consider the representation dated 30.09.2021(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, however, observed that the petitioners would not be entitled to any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in punishable cognizable offence.

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

(SUDIP AHLUWALIA)
JUDGE

October 04, 2021
sonia arora

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