

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

265/

CRWP-591-2021

Date of decision: 13.07.2023

Kirandeep Kaur and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Malkiat Singh Hundal, Advocate,
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

None for respondent no.5.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioners under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents no.1 to 3 to protect their life and liberty from the hands of respondents no.4 and 8 and direct respondents no.1 and 3 to take appropriate steps and further prayer to decide the representation dated 16.01.2021(Annexure P-4).
2. Learned counsel for the petitioners submits that 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 8 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-4) in this regard to the Senior Superintendent of Police, Tarn Taran on 16.01.2021, 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.

3. On 21.01.2021, notice was issued to respondents no.1 to 3 only and Mr. Ranjeet K. Jaswal, Advocate, appeared on behalf of respondent no.5.
4. On 14.03.2023 the matter was referred to Mediation and Conciliation Centre of this Court but respondents did not appear before the Mediator to join the mediation proceeding and the matter was sent back to this Court.
5. I have heard learned counsel for the parties and have gone through the record with their able assistance.
6. 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.
7. 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.
8. Thus, the Senior Superintendent of Police, Tarn Taran is directed to consider the representation dated 16.01.2021 (Annexure-P-4) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.
9. 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 Aadhar Cards of the petitioners No.1 & 2 (Annexures P-1/T & P-2/T). The petitioners have produced on record a copy of the alleged certificate (Annexure P-3/T) 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 off with the above direction.

13th JULY, 2023
'dharamvir'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No