

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125-CRWP-2147-2023

Date of Decision: 09.03.2023

AKASH AND ANOTHER

... Petitioners

VS.

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Varun Sharma, Advocate for the petitioners

Sandeep Moudgil, J. (Oral)

(1) Learned counsel for the petitioners seeks protection of life and liberty of the petitioners 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 to 7 and to seek appropriate protection from the authorities. They submitted a representation dated 01.03.2023 (Annexure P3) in this regard to the Assistant Commissioner of Police, Kalka but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

(2) Notice of motion.

(3) On the asking of the Court, Mr. Gagandeep S. Chhina, AAG Haryana accepts notice on behalf of the respondents No.1 to 3. A copy of the paper-book be handed over to him during the course of the day.

(4) Both of them do appear to have crossed the age of majority as seen from the copies of documents filed and are intending to marry each other.

(5) 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.

(6) Thus, the Assistant Commissioner of Police, Kalka is directed to consider the representation (Annexure P3) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

(7) 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 their Aadhar Cards as Annexures P-1 and P-2. 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).

(8) The petition is disposed of with the above direction.

09.03.2023
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No