2023:PHHC:047545

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120 **CRWP-3134-2023**
Date of Decision: 31.03.2023

GOURAV AND ANR.

….Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

….Respondent(s)

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

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SANDEEP MOUDGIL, J.(ORAL)

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 8 and to seek appropriate protection from the authorities. They submitted a representation dated 27.03.2023 (Annexure P-5), in this regard to the Commissioner of Police, Jalandhar, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the official respondents. A copy of the paper-book be handed over to him during the course of the day.

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

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support of which, Marriage Certificate (Annexure P-3), has been placed on record.

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.

Thus, the Commissioner of Police, Jalandhar, is directed to consider the representation dated 27.03.2023 (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 their Aadhar Cards as Annexures P-1 and P-2. 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).

The petition is disposed of with the above directions.

(SANDEEP MOUDGIL)
JUDGE

March 31, 2023
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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No

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