

**IN THE HIGH COURT OF PUNJ AB AND HARYANA AT
CHANDIGARH**

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CRWP-5819-2023

Date of decision: 09.06.2023

MUSKAN DHIR AND ANR.

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Mohan Singh Rana, Advocate
for the petitioners.

RAJBIR SEHRAWAT, J.(ORAL)

The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ in the nature of mandamus directing the official respondents No.2 & 3 to protect the life and liberty of the petitioners and not to interfere in the peaceful life of the petitioners at the behest of respondents No.4 to 8 and other relatives.

Both the petitioners are identified by their counsel. They 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-5) in this regard to the Senior Superintendent of Police, SAS Nagar, Mohali (Punjab) on 06.06.2023, 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.

Notice of motion to the State only.

Mr. Sandeep, Additional AG, Punjab, accepts notice on behalf of
the State.

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, in support of which photographs (Annexure P-4) have been placed on record.

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.

Thus, the Senior Superintendent of Police, SAS Nagar, Mohali is directed to consider the representation dated 06.06.2023 (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 Aadhar Card of the petitioners No.1 & 2 (Annexures P-1 & P-2). The petitioners have produced on record a copy of the alleged certificate (Annexure P-3) 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).

The petition is disposed off with the above direction.

June 09, 2023
nisha-II

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No