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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP 7435-2023

Date of decision: July 28, 2023

*Gudiya and another**....Petitioners**Versus**State of Punjab and others**.....Respondents***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Ankit Chauhan, Advocate for the petitioners

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of mandamus, directing official respondents No. 2 and 3 to protect the lives and personal liberty of the petitioners as they have got married on 24.07.2023 against the wishes of private respondents No. 4 to 8 and not to interfere in the peaceful married life of the petitioners on their behalf.

Both 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 Commissioner of Police, Ludhiana on 24.07.2023, 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 Advocate General, Punjab only.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts

notice on behalf of the respondent - 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.

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 Commissioner of Police, Ludhiana is directed to consider representation dated 24.07.2023 (Annexure P-4) 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 premises that the petitioners have crossed the age of majority; as seen from the documents placed on record; being Aadhaar Card of petitioners No. 1 and 2 respectively (Annexure P-1 and 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 of with the above direction.

(Rajbir Sehrawat)
Judge

July 28, 2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No