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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP 8049-2023

Date of decision: August 17, 2023

*Akshey Kumar and another**....Petitioners**Versus**State of Haryana and others**.....Respondents***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Sarvesh Kumar Gupta, 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 respondents No. 1 to 3 to protect the lives and liberty of the petitioners at the behest of respondents No. 4 to 6 and not to harass the petitioners any more.

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 6 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-4) in this regard to the Superintendent of Police, Bhiwani on 31.07.2023, 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, Haryana only.

Mr. Krishan Kumar Chahal, Additional Advocate General,

Haryana 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 Superintendent of Police, Bhiwani is directed to consider representation dated 31.07.2023 (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 (Annexures 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

August 17, 2023

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No