

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRWP No.9908 of 2023 (O&M)
DATE OF DECISION : 6th OCTOBER, 2023

Babi & another

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Naveen Sharma, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-W-1503-2023

This is an application filed by the petitioner under Section 482 Cr.P.C. praying for exemption from filing marriage certificate.

For reasons mentioned in the application the same is allowed as prayed for.

CRWP No.9908 of 2023

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of appropriate writ, order or direction in the nature of mandamus directing the official respondents No.2 & 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 & 5, not to harass or interfere in the peaceful married life of the petitioners; along with certain other prayers.

2. The counsel for the petitioners has submitted that he has verified the identity of the petitioners.

3. 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 member/respondents No.4 & 5 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-4) in this regard to Sr. Superintendent of Police, Ludhiana, on 04.10.2023, 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.

4. Notice of motion.

5. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the State.

6. Both the petitioners 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 marriage photographs (Annexure P-3) has been placed on record.

7. 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.

8. Thus, the Sr. Superintendent of Police, Ludhiana is directed to consider the representation dated 04.10.2023 (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 premise that the petitioners have crossed the age of majority; as seen from the documents placed on record; being Aadhaar Cards of both the petitioners (Annexures P-1 & P-2). The petitioners have produced on

record the marriage photographs (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).

9. The petition is disposed of with the above direction.

6th October, 2023
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No