

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRWP No.9937 of 2023

DATE OF DECISION : 7th OCTOBER, 2023

Sarvan Kumar & another

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Kuldeep Singh, Advocate for
Mr. Rajender Kumar, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus directing the official respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of family members of petitioner No.1, i.e., respondents No.4 to 7, 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 members/respondents No.4 to 7 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-5) in this regard to respondent No.2, on 03.10.2023, 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 photographs and marriage certificate (Annexures P-3 & P-4) have 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 respondent No.2-Sr. Superintendent of Police, SAS Nagar Mohali is directed to consider the representation dated 03.10.2023 (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 Aadhaar Cards of both the petitioners (Annexures P-1 & P-2). The petitioners have produced on record the photographs and marriage certificate (Annexures P-3 & P-4) 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.

7th October, 2023
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No