

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRWP No.10850 of 2023 (O&M)
DATE OF DECISION: 07th NOVEMBER, 2023

Salman and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Naveen Kumar, Advocate for
Mr. Imran Farooqi, Advocate
for the petitioners.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners from the hands of private respondents and not to interfere in the life of the petitioners at the behest of private respondents and other relatives and friends.

2. 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/respondent Nos.4 to 7 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-4) in this regard to the Senior

Superintendent of Police, Malerkotla on 31.10.2023, 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.

3. Notice of motion to the State only.

4. Mr. Sandeep, Addl. Advocate General, Punjab, accepts notice on behalf of the State.

5. 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.

6. 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.

7. Thus, the Senior Superintendent of Police, Malerkotla is directed to consider the representation dated 31.10.2023 (Annexure-P-4) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

8. 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).

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

07th NOVEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>