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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-11145-2023 (O&M)

Date of decision: November 17, 2023

Beant Kaur and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**Present:-** Mr. Sandeep Saini, Advocate for petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of order or direction to the official respondent Nos.1 to 4 for protection of life and liberty of the petitioners and not to interfere in the peaceful life of the petitioners at the behest of respondents No.5 to 8, with certain other prayers made in the present petition.

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/respondents No.5 to 8 and to seek appropriate protection from the authorities. They claim to have submitted a representation (Annexure P-5) in this regard to the Superintendent of Police, Fatehabad, Station House Officer, Ratia and Station House Officer, Sunam on 14.11.2023, 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. Krishan K. Chahal, Additional AG Haryana, 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, in support of which photographs (Annexure P-4) have been placed on record.
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 Superintendent of Police, Fatehabad is directed to consider the representation dated on 14.11.2023 (Annexure-P-5) 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.

(RAJBIR SEHRAWAT)
JUDGE

November 17, 2023
mahavir

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No