

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP No.4230 of 2020

Date of Decision :29.06.2020

Baby Kumari and another

....Petitioners

versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Vishal Thakur, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the Criminal Writ Petition under Articles 226/227 of the Constitution of India is for the issuance of a writ, order or direction, especially in the nature of Mandamus for directing respondent Nos.1 to 3 to provide protection of life, liberty and dignity of the petitioners at the hands of private respondents with further directions to respondent Nos.1 to 3 not to take any action at the instance/complaint of respondent Nos.4 to 7. It is also prayed that respondent No.2 be directed to decide the representation, Annexure P/3 dated 25.06.2020.

3. Learned counsel for the petitioners contends that the petitioners are major as is evident from the Aadhaar Cards, Annexures P/1 and P/2 as per which the year of petitioner No.1 is 1997 while date of birth of petitioner No.2 is 12.01.1998. However, petitioner No.1 is a 'pandit' by caste while petitioner No.2 belongs to the Scheduled Caste, consequently they are facing stiff opposition from respondent No.4 to 7 who are not permitting them to marry. However, petitioners understand the emotions of each other and are in love with each other and consequently, want to get married and in view thereof are residing together at Hoshiarpur since the past one month. However, the private respondents have threatened to implicate the petitioners as also the family members of petitioner No.2 in some false case. In the circumstances, the

petitioners submitted representation, Annexure P/3 dated 25.06.2020 to respondent No.2 i.e. Senior Superintendent of Police, Hoshiarpur. Learned counsel states that the petitioners would be satisfied if the writ petition is disposed of by directing respondent No.2. i.e. Senior Superintendent of Police, Hoshiarpur to consider and decide the representation, Annexure P/3 dated 25.06.2020 in accordance with law in a time bound manner.

4. Notice of motion to respondent Nos.1 to 3 only at this stage. Mr. PS Thind, DAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and states that he has no objection to the limited prayer of the petitioners.

5. In view of the decision of Hon'ble the Supreme Court in **Lata Singh vs. State of UP and others, JT 2006 (6) SC, 173** but without commenting upon the age of the petitioners, validity of their marriage or the authenticity of the documents attached with the writ petition, the writ petition is disposed of by directing respondent No.2 i.e. Senior Superintendent of Police, Hoshiarpur, to look into the representation Annexure P/3 dated 25.06.2020, submitted by the petitioners as expeditiously as possible and to take such action in accordance with law as may be warranted keeping in view the threat perception to the petitioners. However, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

6. Petition disposed of in the aforementioned terms.

(B.S. Walia)
Judge

29.06.2020

'Rajneesh-Rajesh-Amit'

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