

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

CRWP No.4229 of 2020
Date of Decision :29.06.2020

Mohit and another	Petitioners	
	versus	
UT Chandigarh and others		Respondents

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

Present: Mr. Sarvesh Kumar, 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 Article 226 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos.1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 and 5 and not to harass them on any false criminal complaint, if any, lodged by the private respondents or any of their relatives and further to direct the official respondents to decide the representation, Annexure P/5 dated 24.06.2020 filed by the petitioners

3. Learned counsel contends that the petitioners seek protection of their life and liberty on account of having performed marriage on 24.06.2020, against the wishes of respondent Nos.4 and 5. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, that the petitioners are major as per year of birth of petitioner No.1 as per Aadhaar Card Annexure P/1 is 1997 and that of petitioner No.2 as per Aadhaar Card Annexure P/2 is 1995. The petitioners have also attached marriage certificate Annexure P/3 dated 24.06.2020 besides photographs of marriage, Annexure P/4. Learned counsel states that the petitioners have submitted representation Annexure P/5 dated 24.06.2020 to respondent No.2 i.e. Senior Superintendent of Police, Chandigarh for redressal of their grievance but

no action has been taken in respect thereto till date and that the petitioners would be satisfied if the writ petition is disposed of by directing respondent No.2 to consider and decide the representation Annexure P/5 dated 24.06.2020, in accordance with law, in a time bound manner.

4. Notice of motion to respondent Nos.1 to 3 only at this stage. Mr. Gagandeep Wasu, Addl.PP, UT, 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, Chandigarh, to look into the representation Annexure P/5 dated 24.06.2020, 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