

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

CRWP No.4218 of 2020
Date of Decision :29.06.2020

Sapna and another

....Petitioners

versus

State of Punjab and others

....Respondents

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

Present: Mr. Kartik Gupta, 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.2 & 3 to provide protection of life and liberty to the petitioners and further not to harass the petitioners or to interfere in their peaceful life at the behest of respondent Nos.4 to 9.

3. Learned counsel contends that the petitioners seek protection of their life and liberty on account of having performed marriage on 22.06.2020, against the wishes of respondent Nos.4 to 9 and other family members. 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 date of birth of petitioner No.1 as per Aadhaar Card Annexure P/2 is 25.01.1997 while that of petitioner No.2 as per Aadhaar Card Annexure P/3 is 09.05.1997. The petitioners have also attached marriage certificate Annexure P/1 dated 22.06.2020. Learned counsel states that the petitioners have submitted representation Annexure P/4 dated 22.06.2020 to respondent No.2 i.e. Senior Superintendent of Police, Hoshiarpur 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/4 dated 22.06.2020, in accordance with law in a time bound manner.

4. Notice of motion to respondent Nos.1 to 3 only at this stage. Mr. R.S. 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/4 dated 22.06.2020, 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