

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

CRWP No.4259 of 2020
Date of Decision :30.06.2020

Divya and another

....Petitioners

versus

State of Haryana & Ors.

....Respondents

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

Present: Mr. Sanjay Kumar Saini, 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 and 3 to protect the life and personal liberty of the petitioners at the hands of respondent Nos.4 to 7, besides, directing respondent Nos.2 and 3, not to register any false criminal case against the petitioner at the instance of respondent Nos.4 to 7.

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 to 7. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, they are major as date of birth of petitioner No.1 as per school certificate and Aadhar Card Annexure P/1 & P/3 respectively is 24.05.2000 while that of petitioner No.2 as per school certificate and Identity Card issued by Election Commission of India Annexure P/2 & P/4 respectively is 12.06.1999. The petitioners have attached marriage certificate, Annexure P/5 dated 24.06.2020. Learned counsel states that the petitioners have submitted representation Annexure

grievance but no action has been taken in respect thereto till date and that in the circumstances, 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 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. Ms. Tanish Peshawaria, DAG, Haryana, accepts notice on behalf of respondent Nos.1 to 3 and states that she 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. Superintendent of Police, Karnal, to decide the representation, Annexure P/5 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

30.06.2020
'Amit-Rajesh'

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