

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

CRWP No.4447 of 2020

Date of Decision :06.07.2020

Gagandeep Kaur and another

....Petitioners

versus

State of Punjab and others

....Respondents

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

Present: Mr. Balwinder Singh, 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 official respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 9 as also for not harassing the petitioners in any manner as they have performed marriage against the wishes 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 30.06.2020, against the wishes of respondent No.4 to 9. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married. Learned counsel contends that petitioners are of marriageable age as date of birth of petitioner No.1 as per Aadhaar Card, Annexure P/1 is 29.06.1996 while that of petitioner No.2 as per Aadhaar Card Annexure P/2 is 15.08.1997. The petitioners have also attached marriage certificate dated 30.06.2020 as Annexure P/3, besides, photographs of marriage, Annexure P/4. Learned counsel states that the petitioners have submitted representation Annexure P/5 dated 30.06.2020 to respondent No.2 i.e. Sr. Superintendent of Police, District Hoshiarpur for redressal of their grievances 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 30.06.2020, in accordance with law, in a time bound manner.

4. Notice of motion to respondent Nos.1 to 3 only at this stage. Mr. Gaurav Garg Dhuriwala, Sr. DAG Punjab, accepts notice on behalf of respondent Nos.1 to 3 and having gone over the advance copy of the petition states that he has no objection to the limited prayer of the petitioners.

5. Accordingly, 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. Sr. Superintendent of Police, Hoshiarpur to consider and decide the representation, Annexure P/5 dated 30.06.2020, submitted by the petitioners as expeditiously as possible and take such action in respect thereto 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.

(B.S. Walia)
Judge

06.07.2020
rajesh/rajneesh

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No