

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

CRWP No.4438 of 2020

Date of Decision :06.07.2020

Kavita and another

....Petitioners

versus

State of Punjab and others

....Respondents

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

Present: Mr. Balkar 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 Articles 226/227 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 to 7 and their friends and for not harassing the petitioners on any false criminal complaint if lodged by 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 01.07.2020 as per affidavit dated 01.07.2020 (Annexure P-3), against the wishes of respondent No.4 to 7. Photographs of marriage are attached as Annexure P/4.

4. Learned counsel contends that although petitioner No.2 being less than 21 years of age does not fulfill the criteria for solemnization of marriage but in view of the decision of the Delhi High Court in '**Jitender Kumar Sharma** vs. **State and another**, 2010 (4) RCR (Criminal), 20 (DB), is entitled to protection of life and liberty on account of threats from respondent Nos.4 to 7. Learned counsel states that the petitioners have submitted representation Annexure P-5 dated 01.07.2020 to respondent No.2 i.e. Senior Superintendent of Police, Mansa, Punjab, for redressal of their 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 01.07.2020, in accordance with law, in a time bound manner.

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

6. 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, Mansa, Punjab, to consider and decide the representation, Annexure P/5 dated 01.07.2020, 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 at the hands of respondent Nos. 4 to 7. 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