

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4444 of 2020
Date of Decision :06.07.2020

Simranjit Kaur and another

....Petitioners

versus

State of Punjab and others

....Respondents

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

Present: Mr. H.S. Baath, 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 the official respondents to protect the life and liberty of the petitioners at the hands of private respondents.
3. Learned counsel contends that the petitioners seek protection of their life and liberty on account of having performed marriage on 28.06.2020, against the wishes of respondent No.4 to 8. Learned counsel contends that though petitioner No.2 is minor and does not fulfill the conditions for solemnization of marriage but in view of the decision of Hon'ble the Delhi High Court in **Jitender Kumar Sharma vs. State and another, 2010 (4) RCR (Criminal), 20 (DB)**, life and liberty of the petitioners is required to be protection on account of threat perception at the hands of respondent Nos.4 to 8. Learned counsel states that the petitioners have submitted representation Annexure P/5 dated 30.06.2020 to respondent No.2 i.e. Senior Superintendent of Police, Rupnagar, 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 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, Senior DAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and having gone over the advance copy of the petition supplied to him states that he has no objection to the limited prayer of the petitioners.

5. Accordingly, 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, Rupnagar, 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