

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6433-2020

Date of Decision :27.08.2020

Sarita and another

....Petitioners

Vs.

UT Chandigarh and others

....Respondents

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

Present: Mr. Krishan Kumar Thakur, 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 an appropriate writ, order or direction for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 and 5.

3. Learned counsel contends that the petitioners seek protection of their life and liberty on account of having performed marriage on 20.08.2020, against the wishes of respondent No.4 and 5. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married. Learned counsel contends that the petitioners are major as is evident from the Voter ID Card, Annexure P/1, as per which, date of birth of petitioner No.1 is 09.09.1988 while as per Aadhaar Card, Annexure P/2, date of birth of petitioner No.2 is 05.08.1998. The petitioners have also attached marriage certificate, Annexure P/3 dated 20.08.2020 and marriage photographs as Annexure P/4. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 21.08.2020 to respondent No.2, 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 21.08.2020, in accordance with law, in a time bound manner.

4. Notice of motion to respondent No.2 only.

5. Mr. Yashwant Singh Rathore, APP for UT Chandigarh, assisted by Ms. Shudha Singh, Advocate and Kr. Yuvraj Singh Rathore, Advocate, accepts notice on behalf of respondent No.2 and after perusal of the advance copy of the petition states that they have no objection to the limited prayer made by learned counsel for the petitioners.

6. 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. Senior Superintendent of Police, Chandigarh, to consider and decide representation, Annexure P/5 dated 21.08.2020, 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

August 27, 2020.

'Rajesh-Amit'