

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6431-2020

Date of Decision :27.08.2020

Neelam Kaur and another

....Petitioners

Vs.

State of Punjab and others

....Respondents

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

Present: Mr. Sarvesh Kumar Gupta, 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.1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 7. Prayer is also for directing the official respondents to consider and decide the representation Annexure P/5 dated 24.08.2020, in accordance with law.

3. Learned counsel contends that the petitioners seek protection of their life and liberty on account of having performed marriage on 24.08.2020, against the wishes of respondent No.4 to 7. 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 Aadhaar Cards, Annexures P/1 and P/2, as per which date of birth of petitioner No.1 is 28.09.1992 and that of petitioner No.2 is 16.08.1994. The petitioners have also attached marriage certificate, Annexure P/3 dated 24.08.2020 besides photographs of marriage, Annexure P/4. Learned counsel

contends that the petitioners have submitted representation Annexure P/5 dated 24.8.2020 to respondent No.2 i.e. Senior Superintendent of Police, Hoshiarpur, 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 24.08.2020, in accordance with law, in a time bound manner.

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

5. Mr. H.S. Sullar, DAG, Punjab, accepts notice on behalf of respondent No.2 and after perusal of the advance copy of the petition states that he has 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, Hoshiarpur, to consider and decide representation, Annexure P/5 dated 24.08.2020, submitted by the petitioners as expeditiously as possible and to 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.

August 27, 2020.

'Rajesh-Amit'

(B.S. Walia)
Judge