

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-7570-2020

Date of Decision : 23.09.2020

Davinder Kaur and another

...Petitioners

V/S

State of Punjab and others

...Respondents

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

Present: Mr. Manna 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 respondent Nos.2 and 3 to protect the life and personal liberty of the petitioners at the hands of respondent Nos.4 to 10.

3. Learned counsel contends that petitioner No.1 is 28 years of age as is evident from Aadhaar Card, Annexure P/1, where her date of birth is recorded as 17.09.1992, while petitioner No.2 is also about 32 years of age as is evident from Aadhaar Card, Annexure P/2, where his date of birth is recorded as 01.09.1988, that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, and on account of mutual liking they got married on 18.09.2020 as is evident from marriage certificate, Annexure P/4 dated 18.09.2020, though against the wishes of respondent Nos.4 to 10 who are threatening them with harm to their life and liberty.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 18.09.2020 to respondent No.2 i.e.

Commissioner of Police, Ludhiana, 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 18.09.2020, in accordance with law, in a time bound manner.

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

6. Mr. Amar Ashok Pathak, Addl. AG, Punjab, accepts notice on behalf of respondent No.2 and states that he has no objection to the limited prayer made by learned counsel for the petitioners.

7. 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. Commissioner of Police, Ludhiana, to consider and decide representation, Annexure P/5 dated 18.09.2020, 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.

(B.S. Walia)
Judge

23.09.2020

'Amit-Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No