

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-7568-2020

Date of Decision: 23.09.2020

SIMRAN AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr.Virender 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 not to harass the petitioners at the instance of respondent Nos.4 to 6 as the petitioners have married against the wishes of respondent Nos.4 to 6. Prayer is also for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners and family members of petitioner No.2.

3. Learned counsel contends that petitioner No.1 is 23 years of age as is evident from Aadhaar Card, Annexure P/1, as per which her date of birth is recorded as 30.04.1997, while petitioner No.2 is 25 years of age as is evident from Aadhaar Card, Annexure P/2 as per which his date of birth is recorded as 04.06.1995, 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 19.09.2020 though against the wishes of respondent Nos. 4 to 6 who are threatening them with harm to their life and liberty. Petitioners have attached

marriage, Annexure P/4.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 19.09.2020 to respondent No.2 i.e. Superintendent of Police, Kaithal, for protection of their life and liberty 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 19.09.2020, in accordance with law, in a time bound manner.

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

5. Mr. Ashok Kumar Sehrawat, DAG, Haryana, 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.

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. Superintendent of Police, Kaithal, to consider and decide representation, Annexure P/5 dated 19.09.2020, 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.

23.09.2020

'Amit-Rajesh'

(B.S. Walia)
Judge