

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-7575-2020

Date of Decision : 23.09.2020

Priti and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

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

Present: Mr. Vikram Jeet 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. At the very outset, learned counsel for the petitioners states that inadvertently instead of Commissioner of Police, Jalandhar, District Jalandhar, Senior Superintendent of Police, Jalandhar, District Jalandhar, has been arrayed as respondent No.2 and he may be permitted to make the necessary amendment in the memo of parties.
3. The oral request of learned counsel is not opposed to by Mr. Amar Ashok Pathak, Addl. AG, Punjab.
4. In view of the statement of learned Addl. AG, Punjab, Commissioner of Police, Jalandhar, District Jalandhar, is impleaded as respondent No.2 in place of Senior Superintendent of Police, Jalandhar, District Jalandhar. Registry to carry out necessary changes in the memo of parties.
5. Prayer in the Criminal Writ Petition under Articles 226/227 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 the private respondents.

3. Learned counsel contends that petitioner No.1 is 29 years of age as is evident from Voter Card, Annexure P/1, where her date of birth is recorded as 05.12.1991, while petitioner No.2 is 24 years of age as is evident from Aadhaar Card, Annexure P/2, where his date of birth is recorded as 01.10.1996, 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 as is evident from marriage certificate as Annexure P/3 dated 19.09.2020 besides marriage photographs Annexure P/4, though against the wishes of respondent Nos. 4 to 6 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 19.09.2020 to respondent No.2 i.e. Senior Superintendent of Police, Jalandhar, 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 19.09.2020, in accordance with law, in a time bound manner.

5. Notice of motion to respondent Nos.1to 3 only.

6. Mr.Amar Ashok Pathak, Addl. AG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and states thathe has no objection to the limited prayer made by learned counsel for the petitioners, however, since the petitioners have submitted representation Annexure P/5 dated 19.09.2020, to the Senior Superintendent of Police, Jalandhar, District

directed to submit a copy of representation Annexure P/5 dated 19.09.2020, to newly added respondent No.2. Learned counsel for the petitioner undertakes to do the needful.

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 the petitioners to submit a copy of representation Annexure P/5 dated 19.09.2020, to respondent No.2 i.e. Commissioner of Police, Jalandhar, District Jalandhar, who on receipt of the same shall consider and decide the same, 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

23.09.2020

'Amit-Rajesh'

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