

CRWP No.7725 of 2020

Date of Decision : 28.09.2020

Neha and another

...Petitioners

Versus

State of Haryana and others

....Respondents

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

Present : Mr. Sanjeev K. Sharma, 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 Covid-19 pandemic.

2. Prayer in the Crl. writ petition under Articles 226/227 of the Constitution of India is for the issuance of directions to respondent Nos.2 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 6 as also not to interfere in the matrimonial life of the petitioners at the behest of respondent Nos.4 to 6.

3. Learned counsel contends that date of birth of petitioner No.1 is 16.01.2002 as is evident from Aadhaar Card Annexure P-1 while as per Aadhaar Card Annexure P-2, the date of birth of petitioner No.2 is 15.08.1988, besides 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 22.09.2020 as is evident from Marriage Certificate Annexure P-3 dated 22.09.2020 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-4 dated 22.09.2020 to respondent No.2 i.e. Senior Superintendent of Police, Kurukshetra, for protection 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-4 dated 22.09.2020, in accordance with law, in a time bound manner and provide protection.

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

5. Mr. B.S. Virk, 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 petition, the Crl. writ petition is ***disposed of*** by directing respondent No.2 i.e. Senior Superintendent of Police, Kurukshetra, to consider and decide representation, Annexure P-4 dated 22.09.2020, submitted by the petitioners as expeditiously as possible and take such action in respect thereto in accordance with law as may be warranted including providing protection to the life and liberty of the petitioners 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

September 28, 2020

'ps-Amit'

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