

CRWP No.10497 of 2020
Date of Decision : 16.12.2020

Monika Devi and another ...Petitioners

Versus

State of Punjab and othersRespondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Ms. Anisha Rani, 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 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 also to direct respondent Nos.2 & 3 to protect the life and liberty of the petitioners, as well as family members of petitioner No.2.
3. Learned counsel contends that petitioners seek protection of their life and liberty on account of having performed marriage on 10.12.2020 against the wishes of respondent Nos.4 to 6. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, the petitioners are also of marriageable age as required under law as petitioner No.1 is 23 years as is evident from her School Certificate (Annexure

P/1), where her date of birth is recorded as 10.07.1997, whereas petitioner No.2 is of 24 years of age, as is evident from his Aadhaar Card (Annexure P-2), where his date of birth is recorded as 03.09.1996.

4. Learned counsel contends that in the circumstances, due to mutual liking for each other, the petitioners got married out of their own free will and volition on 10.12.2020 as is evident from marriage certificate (Annexure P/3) as well as photographs of marriage i.e. Annexure P-4, though against the wishes of respondent Nos.4 to 6, who are threatening them with harm to their life and liberty, as well as to the family members of petitioner No.2.

5. Learned counsel further contends that despite the petitioners having submitted representation (Annexure P-5) dated 10.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, Pathankot, no action has been taken on the same, till date and that in the circumstances, the petitioners would be satisfied, if the criminal writ petition is disposed of by directing respondent No.2 to consider and decide the aforementioned representation, in a time bound manner in accordance with law and to provide them with protection of life and liberty.

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

7. Ms.Monika Jalota, learned DAG, Punjab, accepts notice on behalf of respondent No. 2 and after perusal of the advance copy of the petition states that she has no objection to the limited prayer made by learned counsel for the petitioners.

8. 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 criminal writ petition, the criminal writ petition is ***disposed of*** by directing respondent No.2 i.e. Senior Superintendent of Police, Pathankot, to consider and decide representation, Annexure P/5 dated 10.12.2020 submitted by the petitioners after taking into account all aspects of the matter, as expeditiously as possible and thereafter 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

December 16, 2020
'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>