

CRWP-10496-2020

Date of Decision: 16.12.2020

Pooja and another

...Petitioners

Versus

State of Punjab and others

....Respondents

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

Present : Mr.Gursharan 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 Covid-19 pandemic.
2. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India is for the issuance of directions to respondent Nos.1 to 4 to protect the life and liberty of the petitioners at the hands of respondent Nos.5 and 6.
3. Learned counsel contends that petitioner No.1 is approximately 18 years and 3 months of age as is evident from Aadhaar Card Annexure P/1 wherein her date of birth is recorded as 05.07.2002, while petitioner No.2 is approximately 20 years of age as is evident from Aadhaar Card Annexure P/2 wherein his date of birth is recorded as 01.01.2001. Learned counsel contends that the petitioners have mutual liking for each other and want to get married and are waiting for petitioner No.2 to attain the age stipulated under the law in order to get married but the parents of petitioner No.1 i.e. respondent Nos.5 and 6 are compelling petitioner No.1 to marry someone else against her

petitioner No.2 to get married with petitioner No.2 in accordance with law on his attaining the age stipulated under law. Learned counsel further contends that petitioner No. 1 resorted to the aforementioned step on account of threats held out by respondent Nos.5 and 6 to the petitioners with regard to harm to their life and liberty in case petitioner No.1 did not accede to their desire to marry a person of their choice. Learned counsel contends that the petitioners have submitted representation Annexure P/3 dated 11.12.2020, to respondent No.2 i.e. Senior Superintendent of Police, Gurdaspur, 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 aforementioned representation, in accordance with law, in a time bound manner.

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, without commenting upon the age of the petitioners, 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, Gurdaspur, to consider and decide representation, Annexure P/3 dated 11.12.2020, submitted by the petitioners after taking into account all aspects of the

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

'Rajesh-PS

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