

CRWP No.10502 of 2020

Date of Decision : 16.12.2020

Amandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr.Loveneet Thakur, 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 Articles 226/227 of the Constitution of India, is for the issuance of directions to respondent Nos.1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 6 on account of their having performed marriage on 13.12.2020 against the wishes of respondent Nos.4 to 6 and petitioner No.2 belonging to a different caste/community on account of which said respondents are threatening the petitioners with harm to their life and liberty.
3. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, besides they are of marriageable age as per law as is evident from their Aadhaar Cards, i.e. Annexures P/1 and P/2, as per which the date of birth of petitioner No.1 is recorded as 18.02.1994, while that of petitioner No.2 is recorded as 18.09.1993

i.e. 26 years and 27 years of age, respectively. The petitioners have also attached photographs of the marriage i.e. Annexure P/3, besides marriage certificate i.e. Annexure P-4/T dated 13.12.2020.

5. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 13.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, Sangrur, 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 criminal 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, 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, Sangrur, to consider and decide representation, Annexure P/5 dated 13.12.2020 as 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

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>