

CRWP No.10510 of 2020

Date of Decision : 16.12.2020

Jyoti @ Jyoti Sharma and another

...Petitioners

Versus

State of Punjab and others

....Respondents

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

Present : Mr.MunishPuri, 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 & 3 to protect the life and liberty of the petitioners, for directing respondent Nos.4 and 5 not to interfere in the personal life and liberty of the petitioners as also for directing respondent Nos.2 & 3 not to allow respondent Nos.4 to 15 or anybody else to interfere with the life and liberty of the petitioners etc.Prayer is also for directing the official respondents to decide representation (Annexure P-7), filed by the petitioners.

3. Learned counsel contends that the petitioners seek protection on account of having performed marriage on 11.12.2020, against the wishes of respondent Nos.4 and 5 who are threatening them with harm to their life and liberty.

conditions stipulated under law to entitle them to get married besides the petitioners are also of marriageable age as per requirement of law as is evident from their Aadhaar Cards,i.e.Annexures P/1 and P/3, as well as 10th class certificates i.e. Annexures P-2& P-4, as per which date of birth of petitioner No.1 is 05.04.2002, while that of petitioner No.2 is 21.08.1998 i.e. 18 years 08 months and 21 years and 08 months of age respectively. The petitioners have also attached photographs of marriage (Annexure P-5), besides marriage certificate, Annexure P/6dated 11.12.2020.

6. Learned counsel contends that the petitioners have submitted representation Annexure P/7 dated 11.12.2020 to respondent Nos.2 and 3 i.e. Senior Superintendent of Police, District Pathankot, as well as SHO, Police Station Sadar, Tehsil and District Pathankot 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.

7. Notice of motion to respondent Nos.2only.

8. Ms. Monika Jalota, learned DAG, Punjab, accepts notice on behalf of respondent Nos.2and 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.

9. 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, 173but 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 Nos.2i.e. Senior Superintendent of Police, District Pathankot, to consider and decide representation, Annexure P/7 dated 11.12.2020submitted 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'

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