

CRWP No.10509 of 2020
Date of Decision : 16.12.2020

Seema and another

...Petitioners

Versus

State of Punjab and others

....Respondents

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

Present : Mr. D.S. Nigha, 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 directing respondent Nos.2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 to 8 on account of their having performed marriage on 12.12.2020, against the wishes of said respondents who are threatening them 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 are of marriageable age as per requirement of law as is evident from their Aadhaar Cards, i.e. Annexures P/1 and P/2, as per which date of birth of petitioner No.1 is 03.07.2000, while that of petitioner No.2 is 18.04.1993 i.e. 20 years and 27

years of age respectively. The petitioners have also attached marriage certificate, Annexure P/3 dated 12.12.2020.

5. Learned counsel contends that the petitioners had submitted representation Annexure P/4 dated 12.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, District SAS Nagar, Mohali, 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, District SAS Nagar, Mohali, to consider and decide representation, Annexure P/4 dated 12.12.2020 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>

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.