

CRWP No.10495 of 2020
Date of Decision : 16.12.2020

Gurvinder Singh and another ...Petitioners

Versus

State of Punjab and othersRespondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr.Manik Bhandari, 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 a writ in the nature of mandamus, directing respondent Nos.2 & 3 to protect the life and liberty of the petitioners as also to direct respondent Nos. 4 to 10 not to interfere in the personal life and liberty of the petitioners.
3. Learned counsel contends that petitioners seek protection against threats held out by respondent Nos. 4 to 10 to cause harm to their life and personal liberty on account of having performed marriage on 12.12.2020 against their wishes. 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 is evident

birth of petitioner No.1 is 28.12.1983, while that of petitioner No.2 is 10.07.1994. The petitioners have also attached marriage certificate i.e. Annexure P/3, dated 12.12.2020, besides photographs of marriage i.e. Annexure P/4.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 12.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, Patiala 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.

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

6. 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.

7. 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, Patiala, to consider and decide representation, Annexure P/5 dated 12.12.2020 submitted by the petitioners after taking into account all aspects of the matter, as

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