

CRWP No.10505 of 2020

Date of Decision : 16.12.2020

Balkaur Singh and another

...Petitioners

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia**Present :** Mr.Lakhwinder Singh Lakhanpal, 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 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 & 5, besides their companions who are threatening the petitioners with harm on account of having performed marriage on 11.12.2020, against the wishes of said respondents.

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 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 07.09.1992, while that of petitioner No.2 is recorded as 03.09.1998 i.e. 28 years and 22 years of age respectively. Learned Counsel contends that

on account of mutual liking for each other, the petitioners got married on 11.12.2020 as is evident from marriage certificate, Annexure P/3.

4. Learned counsel further contends that the petitioners submitted representation Annexure P/4 dated 11.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, District Moga, 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.2only.

6. Ms. Monika Jalota, learned DAG, Punjab, accepts notice on behalf of respondent No.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.

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, Moga, to consider and decide representation, Annexure P/4 dated 11.12.2020 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.10508 of 2020
Date of Decision : 16.12.2020

Amarpreet Kaur ...Petitioners

Versus

State of Punjab and othersRespondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr.Vikram Preet Arora, Advocate for the petitioner.
*****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 petitioner at the hands of respondent Nos.4 to 7, as also to decide representation (Annexure P-1) dated 17.10.2020.

3. Learned counsel contends that respondent No.4 obtained an ex parte divorce from the petitioner on 14.10.2019, by keeping her in the dark of the proceedings by playing fraud on her and even thereafter continued cohabiting with the petitioner posing to be her husband for a number of months, and the petitioner immediately on coming to know about the fraud played on her, submitted representation (Annexure P-1) dated 17.10.2020 to respondent No.2 i.e.Senior Superintendent of Police, Rupnagar (Ropar), for protecting her life and liberty at the hands of respondent Nos.4 to 7, as also for