

CRWP-10856-2020

Date of Decision : 29.12.2020

Ramandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Gagandeep Singh Simble, 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. Learned counsel for the petitioner in furtherance of order dated 24.12.2020, has produced copy of judgment and decree dated 20.11.2020, passed by the learned Addl. Principal Judge, Family Court, Batala, District Gurdaspur, in CNR No.PBGDF-20022722019, CIS No.DMC-263/2019, dissolving the marriage between petitioner No.1 and her former husband, Lovepreet Singh son of Shri Balkar Singh, resident of village Jaito Sarja, Tehsil Batala, District Gurdaspur. The same is taken on record. Copy thereof supplied to learned Addl. AG, Punjab.

3. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India, is for the issuance of directions to official respondent Nos.2 and 3 to protect the life and liberty of the petitioner and not to interfere in the peaceful life of the petitioners at the behest of

respondent Nos.4 to 7.

4. Learned counsel contends that the petitioners fulfill all conditions stipulated under law to entitle them to get married, besides petitioner No.1 is 28 years of age as is evident from her Aadhaar Card, Annexure P/1, wherein her date of year is recorded as 1992, likewise, petitioner No.2 is 24 years of age as is evident from his Aadhaar Card, Annexure P/2, wherein his date of birth is recorded as 15.03.1996. Learned Counsel contends that on account of mutual liking for each other, the petitioners got married on 16.12.2020 out of their own free will and without any force, fraud or coercion though the marriage was against the wishes of respondents No.4 to 7 (parents and brothers of petitioner No.1), who are threatening the petitioner's with harm to their life and liberty. Certificate in support of the petitioners having got married on 16.12.2020 has been placed on record as Annexure P/3.

5. Learned counsel contends that the petitioners have submitted representation Annexure P/4 dated 17.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, Batala, District Gurdaspur, for redressal of their grievance but no action has been taken in respect thereto till date and that in the circumstances, they would be satisfied if the criminal writ petition is disposed of by directing respondent No.2 to consider and decide the aforementioned representation and take action on the same in accordance with law, in a time bound manner.

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

7. Mr. Mehardeep Singh, Addl. AG, Punjab, accepts notice on behalf of respondent No. 2 and after perusal of the advance copy of the petition as also the judgment and decree dated 20.11.2020, passed by the

learned Addl. Principal Judge, Family Court, Batala, District Gurdaspur, states that he 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 petition, the criminal writ petition is ***disposed of*** by directing respondent No.2 i.e. Senior Superintendent of Police, Batala, District Gurdaspur, to consider and decide representation, Annexure P/4 dated 17.12.2020 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 29, 2020

'Rajesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>