

CRWP-10913-2020

Date of Decision : 29.12.2020

Sukhmanpreet Kaur 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 petition under Article 226 of the Constitution of India is for the issuance of directions to respondent Nos.2 and 3 to protect the life and liberty of the petitioners as also for directing respondent Nos.4 and 5 not to interfere in the personal life and liberty of the petitioners etc.
3. Learned counsel contends that petitioners seek protection against threats held out by respondent Nos.4 and 5 to cause harm to their life and personal liberty on account of having performed marriage on 22.12.2020, out of their own free will without any force, fraud or coercion though against the wishes of respondent Nos. 4 & 5. 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 from their matriculation certificate, Annexure P/1 and driving license, Annexure P/2, as per which the date of

birth of petitioner No.1 is 05.12.2002 while that of petitioner No.2 is 10.08.1998 respectively. The petitioners have also attached marriage certificate i.e. Annexure P/3, dated 22.12.2020.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/4 dated 22.12.2020 to respondent No.2 i.e. Senior Superintendent of Police, 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 and take action on the same in accordance with law, in a time bound manner.

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

6. Mr. Mehardeep Singh, Addl. AG, Punjab, accepts notice on behalf of respondent No.2 and after perusal of the advance copy of the petition states that he 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, SAS Nagar, Mohali, to consider and decide representation, Annexure P/4 dated 22.12.2020 submitted by the petitioners after taking into account all

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>