

CRWP-10916-2020

Date of Decision : 29.12.2020

Sandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

....Respondents

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

Present : Mr. Maneet Kumar Arya, 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, directing respondent Nos.1to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 7, as also to direct them not to interfere in the married life of the petitioners at the behest of respondent Nos.4 to 7.
3. Learned counsel contends that the petitioners seek protection against threats held out by respondent Nos. 4 to 7 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 to 7on account of the marriage being an inter caste marriage as petitioner No.1 is a Jat Sikh while petitioner No.2 belongs to Ramgarhia Caste.

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 Aadhaar Cards, i.e. Annexures P/1 and P/2, as per which the date of birth of petitioner No.1 is recorded 22.04.2001 (19 years), while that of petitioner No.2 is 19.12.1996 (24 years). The petitioners have also attached marriage certificate i.e. Annexure P/5, dated 22.12.2020.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/4 dated 23.12.2020 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, 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.

6. Mr. Mehardeep Singh, Addl. AG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 while Ms. Khushbir Kaur Bhullar, Advocate, puts in appearance on behalf of respondent Nos.4 to 7. Learned counsel for the official respondents as well as learned counsel for non-official respondents on perusal of the advance copy of the petition state that they have no objection to the limited prayer made by learned counsel for the petitioners. Learned counsel for respondent Nos.4 to 7 states that respondent Nos. 4 to 7 are not opposed to the marriage of

the petitioners and would petitioner No. 1 to return home to enable them to celebrate the petitioners marriage by holding a function.

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, Batala, to consider and decide representation, Annexure P/4 dated 23.12.2020 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. Respondent Nos.4 to 7 may meet the petitioners before the police authorities and put forward their request to organize a function to celebrate the marriage of the petitioners. However, the same would be subject to acceptability of the proposal of respondent Nos. 4 to 7 by the petitioners and assessment of threat perceptions to the petitioners at the hands of respondent Nos. 4 to 7 / others, by the SSP. 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'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*