

CRWP-10915-2020

Date of Decision : 29.12.2020

Gaurav Kumar and another

...Petitioners

Versus

State of Haryana and others

....Respondents

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

Present : Mr. K.L. Saini, 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.2 &3 to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 to 6 and further directing respondent Nos.4 to 6 not to harass or interfere in the peaceful married life of the petitioners.
3. Learned counsel contends that petitioners seek protection against threats held out by respondent Nos. 4 to 6 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 6. 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 10.08.1988, while that of petitioner No.2 is 25.10.2002. The petitioners have also attached marriage certificate i.e. Annexure P/5, dated 22.12.2020, besides affidavits i.e. Annexure P/3 and P/4 with regard to the solemnization of marriage by them out of their own free will and without any force, pressure or coercion, on account of mutual liking for each other.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/6 dated 22.12.2020 to respondent No.2 i.e. Superintendent of Police, Yamuna Nagar, 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. Vivek Chauhan, Addl. AG, Haryana, 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. Superintendent of Police, Yamuna Nagar, to consider and decide representation, Annexure P/6 dated 22.12.2020 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'

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