

CRWP-70-2021

Date of Decision: 06.01.2021.

Arvinder Singh and another

...Petitioners

vs.

State of Punjab and others

...Respondents

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

Present: Ms. Navneet Kaur Dhanjal, Advocate for
Mr. Kanwar Pahul Singh, 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 Articles 226/227 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos.1 to 4 not to harass or interfere in the peaceful life of the petitioners at the hands of respondent Nos.5 to 14 and other family members of petitioner No.2. Further prayer is for the issuance of writ of Mandamus for directing respondent Nos.1 to 4 to provide protection of life and liberty to the petitioners at the hands of respondent Nos.5 to 14 and others family members of petitioner No.2.

3. Learned counsel contends that the petitioners seek protection against threats held out by respondent Nos.5 to 14 to cause harm to their life and personal liberty on account of having performed marriage on 02.01.2021, out of their own free will, without any force, fraud or coercion and on account of their mutual liking for each other though against the wishes of respondent Nos.5 to 14. Learned counsel

entitle them to get married. The petitioners are also of marriageable age as required under law, as is evident from their Aadhaar Cards, Annexure P/1 and P/2, wherein date of birth of petitioner No.1 is recorded as 11.01.1996 while date of birth of petitioner No.2 is recorded as 01.01.2003. However the petitioners have not attached their marriage certificate, although in paragraph No.4 of the petition it has been mentioned that the petitioners solemnized their marriage on 02.01.2021 at a Gurudwara in Amritsar. However, even the details of the Gurudwara have not been disclosed.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/3 dated 02.01.2021, to respondent No.2 and 3 i.e. Commissioner of Police, Amritsar and Deputy Superintendent of Police, District Amritsar. Learned Counsel further contends that there is a typographical error in representation Annexure P/3 as although the same was submitted to SHO, Police Station Chatiwind, Amritsar, it had inadvertently been typed as having been submitted to SHO Police Station Gate Hakima, Amritsar. Learned counsel contends that although the petitioners have submitted representation for protection of their life and liberty to respondent Nos.2 and 3 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 Nos.2 and 3 to consider and decide the aforementioned representation and take action on the same in accordance with law, in a time bound manner.

6. Mr. Hittan Nehra, 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 alleged 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. Commissioner of Police, Amritsar, to consider and decide representation, Annexure P/3 dated 02.01.2021 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

06.01.2021

'Rajesh-PS'

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