109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-59-2021
Date of Decision: 06.01.2021.

Kamaljot Kaur and another …Petitioners

vs.

State of Punjab and others …Respondents

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

Present: Mr. Dinesh Maurya, Advocate for the petitioners.

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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.2 to 5 to protect the life and liberty of the petitioners and not to harass and interfere in their married life at the instance of respondent Nos.6 to 9.

3. Learned counsel contends that the petitioners seek protection against threats held out by respondent Nos.6 to 9 to cause harm to their life and personal liberty on account of having performed marriage on 03.01.2021, out of their own free will, without any force, fraud or coercion and their mutual liking for each other though against the wishes of respondent Nos.6 to 9. Learned counsel contends that the petitioners fulfill all 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, Annexure P/1 and P/3, besides

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matriculation certificate Annexure P/2 and P/4, as per which, the date of birth of the petitioners are recorded as 30.01.2002 and 23.05.1996 respectively. The petitioners have also attached marriage certificate Annexure P/6 dated 03.01.2021.

5. Learned counsel contends that the petitioners have submitted representation Annexure P/8 dated 03.01.2021, to respondent No.2 i.e. Senior Superintendent of Police, Barnala, for protection of their life and liberty 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.

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

7. 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.

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, Barnala, to consider and decide representation, Annexure P/8 dated 03.01.2021 submitted by the petitioners after taking into account all aspects of the matter, as

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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

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

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