

CRWP-68-2021

Date of Decision: 06.01.2021.

Mandeep Singh and another

...Petitioners

vs.

State of Punjab and others

...Respondents

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

Present: Mr. Pranav Handa, 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 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 9, by taking action on the representation Annexure P/1 dated 12.12.2020.

3. Learned counsel contends that the petitioners seek protection against threats held out by respondent Nos.4 to 9 to cause harm to their life and personal liberty on account of their having performed marriage on 11.12.2020, due to mutual liking for each other, out of their own free will, without any force, fraud or coercion though against the wishes of respondent Nos.4 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/2 and P/3, as per which

the date of birth of petitioner No.1 is 05.09.1987 while that of petitioner

No.2 is 12.12.1995. The petitioners have also attached marriage certificate Annexure P/5 dated 11.12.2020, with regard to solemnization of marriage by them.

4. Learned counsel contends that the petitioners made attempts to submit representation dated 12.12.2020, to the SHO, Police Station Dasuya, but the same was not entertained on account of father of petitioner No.2 exercising influence on account of being posted as ASI at Toll Plaza, Mangarh, District Hoshiarpur, therefore, the petitioners were compelled as a last resort to post the same on 04.01.2021. Learned counsel contends 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. 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 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, Hoshiarpur, to consider

and decide representation, Annexure P/1 dated 12.12.2020 (posted on

04.01.2021), 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