108 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-58-2021
Date of Decision: 06.01.2021.

Sikha and another …Petitioners

vs.

State of Haryana and others …Respondents

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

Present: Mr. Sunil Kumar Dhanda, 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 Article 226 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos.1 to 4 to protect the life and liberty of the petitioners at the hands of respondent Nos.5 to 11.

3. Learned counsel contends that the petitioners seek protection against threats held out by respondent Nos.5 to 11 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 11. 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/2, wherein year of birth of petitioner No.1 is recorded as 2001

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while date of birth of petitioner No.2 is recorded as 01.01.2000 respectively. The petitioners have also attached marriage certificate Annexure P/3 dated 02.01.2021.

4. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 02.01.2021, to respondent Nos.2 and 3 i.e. Director General of Police, Haryana and Superintendent of Police, Jind respectively, for protection of their life and liberty but no action has been taken in respect thereto till date and that in the circumstances, they 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.

5. Notice of motion to respondent No.3 only.

6. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of respondent No.3 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.3 i.e. Superintendent of Police, Jind, to consider and decide representation, Annexure P/5 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

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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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