

CRWP No.3700 of 2021

Date of Decision :20.04.2021

Manisha and another

....Petitioners

Vs.

State of Punjab and others

....Respondents

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

Present: Mr. Kapil Khanna, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to 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 for directing respondent Nos.2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 & 5 i.e. the mother and brother of petitioner No.1.
3. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, petitioners are major as date of birth of petitioner No.1 is 12.01.2002 while that of petitioner No.2 is 1996 as evident from Aadhaar Cards, Annexures P/1 and P/2, and that although they belong to different castes, yet due to mutual liking for each other, they got married as per Hindu rites and ceremonies on 13.04.2021 as is evident from the marriage certificate, Annexure P/3 dated 13.04.2021, without any force, pressure, coercion or undue influence though against the wishes of respondent Nos.4 & 5 who are threatening them with harm to their life and liberty, therefore, the petitioners seek protection of their life and liberty for which they have submitted representation Annexure P/4 dated 13.04.2021 to respondent No.2 i.e. Commissioner of Police, District Jalandhar, but no action has been taken in respect thereto till date and that in the circumstances, the petitioners would be satisfied if the petition is disposed of by directing

respondent No.2 to consider and decide the representation Annexure P/4 in accordance with law, in a time bound manner.

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

5. Mr. Hittan Nehra, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of respondent No.2 and states that he has no objection to the limited prayer made by learned counsel for the petitioners.

6. 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 petition is disposed of by directing respondent No.2 i.e. Commissioner of Police, District Jalandhar, to consider and decide representation, Annexure P/4 dated 13.04.2021, submitted by the petitioners in accordance with law as expeditiously as possible and to take such action in respect thereto 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

20.04.2021

'Amit'

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