

Navneet Kaur and another

....Petitioners

Vs.

State of Punjab and others

....Respondents

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

Present: Mr. D.P.S. Mann, Advocate for
Mr. Vishavdeep Singh Rana, Advocate 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.1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 & 5 i.e. the father and brother of petitioner No.1 and not to harass the petitioners on any false criminal complaint, if any lodged by the private respondents or any of their relatives.
3. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, are major as year of birth of petitioner No.1 is 1997 while that of petitioner No.2 is 1989 as is evident from Aadhar Cards, Annexures P/1 and P/2. Learned counsel contends that due to mutual liking for each other, the petitioners got married as per Sikh rites and ceremonies on 24.03.2021 as is evident from the marriage certificate, Annexure P/3 dated 24.03.2021, 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 submitted representation Annexure P/4 dated 19.04.2021 to respondent No.2 i.e. Senior Superintendent of Police, Kapurthala, District Kapurthala, seeking 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 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. Amit Mehta, Sr. DAG, 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. Senior Superintendent of Police, Kapurthala, District Kapurthala, to consider and decide representation, Annexure P/4 dated 19.04.2021, submitted by the petitioners in accordance with law as expeditiously as possible and 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

'rajender'

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