

(138) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.3831 of 2021
Decided on: 27.04.2021

Santosh and another		...Petitioners
	Versus	
State of Haryana and others		Respondents

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

Present : Ms. Rosi, Advocate for the petitioners.

B.S. Walia, J.

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 and 3 not to harass the petitioners at the instance of respondent Nos.4 to 9 on account of the petitioners having married against the wishes of the said respondents with a further prayer to direct respondent Nos.2 and 3 to protect the life and liberty of the petitioners and the family members 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 01.01.2002 while that of petitioner No.2 is 27.11.1997 as is evident from Aadhar Cards, Annexures P/1 and P/2 respectively. Learned counsel contends that due to mutual liking for each other, the petitioners got married on 04.01.2021 without any force, fraud, pressure, coercion or undue influence though against the wishes

and liberty, therefore, the instant petition. Learned counsel states that the petitioners performed all ceremonies requisite under law so as to entitle them to get married. However, marriage certificate has not been attached though copy of one so called marriage contract, Annexure P/3 dated 04.01.2021, is attached along with photographs of the marriage, Annexure P/4.

Learned Counsel states that on account of threats held out by respondent Nos.4 to 9, to the petitioners, the petitioners submitted representation, Annexure P/5 dated 15.04.2021 to respondent No. 2 i.e. Senior Superintendent of Police, Nuh (Mewat) 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/5 dated 15.04.2021 in accordance with law in a time bound manner and provide them with protection of life and liberty.

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

5. Mr. Krishan K. Chahal, Addl. A.G., Haryana 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, Nuh (Mewat), to consider and decide representation, Annexure P/5 dated 15.04.2021, submitted by the petitioners

in accordance with law expeditiously 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.

27.04.2021

‘Amit’

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)

Judge