

CRWP-3946-2021

Date of Decision: 27.04.2021

Shikha and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

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 personal liberty of the petitioners at the hands of respondent Nos.4 to 8, for directing respondent Nos.4 to 8 not to interfere in the personal lives and liberty of the petitioners and further for directing respondent Nos.2 & 3 not to allow/let respondent Nos.4 to 8 or anybody else interfere in the life and liberty of the petitioner or to harass them in any manner.

3. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law so as to entitle them to get married, are major as petitioner No.1 is 21 years four months old as is evident from her Aadhar Card Annexure P/1, wherein her date of birth is recorded as 01.12.2000, while petitioner No.2 is 26 years of age as per his Aadhar Card

contends that due to mutual liking for each other, the petitioners got married as per Sikh rites and ceremonies on 20.04.2021 as is evident from the marriage certificate, Annexure P/3 dated 20.04.2021, without any force, pressure, coercion or undue influence though against the wishes of respondent Nos.4 to 8 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/4 dated 20.04.2021 to respondent No.2 i.e. Senior Superintendent of Police, Faridkot, Punjab, 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 and to provide protection to them.

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. Senior Superintendent of Police, Faridkot, Punjab to consider and decide representation, Annexure P/4 dated 20.04.2021, submitted by the petitioners in accordance with law as expeditiously as possible and take such action in

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

27.04.2021
rajender

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