

CRWP-3935-2021

Date of Decision : 30.04.2021

BALWINDER KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondent

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

Present : Mr. Gautam Sehgal, 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 and 3 not to harass/implicate the petitioners in a false criminal case at the instance of the parents or any other relatives of the petitioners with a further prayer to direct respondent Nos.2 and 3 to protect the life and personal liberty of the petitioners.
3. Learned counsel contends that the petitioners are major as the date of birth of petitioner No.1 as per Aadhar Card (Annexure P/1) is 18.10.2001 while that of petitioner No.2 as per Aadhar Card (Annexure P/2) is 02.01.1995 and on account of mutual liking for each other, the petitioners who belong to different religions decided to marry and got married on 19.04.2021 as is evident from the Nikahnama, (Annexure P/4) dated 19.04.2021 and photographs of marriage (Annexure P/3), without any force, pressure, coercion or undue

influence though against the wishes of respondent No.4 who is threatening them with harm to their life and liberty, therefore, the petitioners submitted representation (Annexure P-5) dated 19.04.2021 to respondent No.2 i.e. Commissioner of Police, District Jalandhar, 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 representation Annexure P-5 in accordance with law, in a time bound manner and provide them with protection of life and liberty.

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

6. Mr. Hittan Nehra, Addl. A.G., Punjab, accepts notice on behalf of respondent No.2 and states that in view of the decision of this Court in **CRM-M-20307 of 2014** in case titled as **Deepika Madaan Vs. State of Haryana** decided on 10.06.2014, the petition may be disposed of by directing respondent No.2 to consider and decide, representation Annexure P-5 dated 19.04.2021 and take such action in respect thereto in accordance with law as may be warranted in the facts and circumstances of the case.

7. Accordingly, in the light of the position as noted above as well as decision of Hon'ble the Supreme Court in **Lata Singh vs. State of UP and others, JT 2006 (6) SC, 173** besides in **Deepika Madaan's** case (supra) 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-5 dated 19.04.2021, submitted by the petitioners in accordance

with law as expeditiously as possible and take action in respect thereto if any warranted in accordance with law, 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

April 30, 2021
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