

[118] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4171 of 2021
Date of Decision : 11.05.2021

Rajan Sharma and another ...Petitioners

Versus

State of Punjab & Ors.Respondents

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

Present : Mr. Varlin Garg, 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 Articles 226/227 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 personal liberty of the petitioners at the hands of respondent Nos.4 to 9 as also to direct the official respondents to decide representation, Annexure P/7 dated 27.04.2021 submitted by the petitioners.
3. Learned counsel contends that the petitioners are Hindus and fulfill all the conditions stipulated under law so as to entitle them to get married, they are major as petitioner No.1 is more than 24 years of age as is evident from his Aadhar Card Annexure P/1 and Matriculation Certificate, Annexure P/2 wherein his date of birth is recorded as 15.02.1996, while petitioner No.2 is more than 21 years of age as per her Aadhar Card, Annexure P/3 and Matriculation Certificate, Annexure P/4 wherein her date of birth is recorded as 27.03.2000.

Learned counsel contends that due to mutual liking for each other, the petitioners got married as per Hindu rites and ceremonies on 27.04.2021 as is evident from marriage certificate, Annexure P/5, besides photographs, Annexure P/6, without any fraud, force, pressure, coercion or undue influence though against the wishes of respondent Nos.4 to 9 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/7 dated 27.04.2021 to respondent No.2 i.e. The Commissioner of Police (Rural), Amritsar (Punjab), seeking protection of their life and liberty but no action has been taken in respect thereto 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/7 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. Sukhbeer Singh, AAG, Punjab, who is present, accepts notice on behalf of respondent No.2 and states that the instant petition is liable to be dismissed as premature with exemplary costs as the petitioners have rushed to this Court on 28.04.2021 without waiting for a decision on the representation, Annexure P/7 dated 27.04.2021.

6. I have considered the submissions of learned counsel for the parties.

7. Undoubtedly, the instant petition has been filed in undue haste as petitioners got married on 27.04.2021 at Amritsar, reached Chandigarh on the same day and on arrival sent representation Annexure P/7 from Chandigarh by registered post to respondent No. 2 at Amritsar on 27.04.2021 itself and without even giving time for the representation to reach the Police and for action to be taken on the same prepared the petition on 28.04.2021 and filed it on

29.04.2021. Ordinarily, the petitioners ought to have approached the police in person for protection and in case of refusal or inaction could have invoked the jurisdiction of this Court but the facts of the case show that the same was not done. However, without commenting on the conduct of filing of the petition in the aforesaid manner or upon the age of the petitioners, validity of their marriage or the authenticity of the documents attached with the petition, the instant petition is *disposed of* 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** by directing respondent No.2 i.e. The Commissioner of Police (Rural), Amritsar (Punjab) to consider and decide representation, Annexure P/7 dated 27.04.2021, submitted by the petitioners in accordance with law by verifying the allegations in the representation and provide protection to the petitioners in accordance with law if the circumstances of the case so warrant 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

11.05.2021
'Rajneesh/Amit'

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