

(122) IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRWP No. 4483 of 2021
Date of Decision: 17.05.2021

Gurinderjit Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Ms. Reena, 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 & 3 to protect the life and liberty of the petitioners at the hands of respondent No.4 on account of the petitioners having performed marriage against the wishes of respondent No.4 and other family members of petitioner No.1.
3. Learned counsel contends that the petitioners are Hindus and fulfill all the conditions stipulated under the Hindu Marriage Act, 1955 so as to entitle them to get married, petitioners are major as petitioner No.1 is 37 years of age as is evident from her Aadhar Card Annexure P/1, wherein her date of birth is recorded as 10.06.1983, while petitioner No.2 is also 37 years of age as is evident from his Matriculation Certificate (Annexure P/2) and Aadhar Card (Annexure P/3) according to which his date of birth is 05.10.1983. Learned

counsel contends that due to mutual liking for each other, the petitioners got married as per Sikh rites and ceremonies on 28.04.2021 as is evident from the marriage certificate, Annexure P/5 dated 28.04.2021 and photographs (Annexure P/6) of the marriage, without any force, fraud, 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/7 dated 03.05.2021 to respondent No.2 i.e. Senior Superintendent of Police, Amritsar (Rural), 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/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, learned AAG, Punjab who is present 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, Amritsar (Rural), Punjab to consider and decide representation, Annexure P/7 dated 03.05.2021, 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.

17.05.2021

Rajneesh/Amit

(B.S. Walia)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No