

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4309-2021

Date of Decision : 06.05.2021

SHAMA @ SHIWANI AND ANR

...Petitioners

Versus

STATE OF HARYANA AND ORS

...Respondents

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

Present: Mr. Sahil Choudhary, 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 this Criminal Writ Petition under Article 226/227 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos.2 and 3 to protect the life and personal liberty of the petitioners at the hands of respondent Nos.4 and 5 and also not to interfere in the matrimonial lives of the petitioners at the behest of respondent Nos.4 and 5 and other relatives and friends.

3. Learned counsel contends that the petitioners fulfill all the conditions under the Hindu Marriage Act so as to entitle them to get married. Petitioner No.1 is 24 years of age while petitioner No.2 is 25 years of age as is evident from their Aadhar Cards Annexure P/1 and P/2, in which the year of birth of petitioner No.1 is mentioned as 1997 while the date of birth of petitioner No.2 is mentioned as 30.08.1996.

4. Learned counsel further contends that both the petitioners are unmarried, and though they belong to different castes, yet on account of mutual liking for each other, they got married on 03.05.2021 as is evident from marriage certificate, Annexure P/3 dated 03.05.2021 and photographs of marriage Annexure P/4 and that the marriage was without any force, fraud, pressure, coercion or undue influence though the same was solemnized

against the wishes of respondent Nos.4 and 5 who are threatening them with harm to their life and liberty.

5. Learned counsel further contends that the petitioners submitted representation Annexure P/5 dated 03.05.2021 to respondent No.2 i.e. Superintendent of Police, Yamuna Nagar, 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 in accordance with law, in a time bound manner.

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

5. Mr. Pawan Longia, DAG, Haryana, accepts notice on behalf of respondent No.2 and states that the petitioners have rushed to this Court within one day of making of the representation and that in the circumstances the petition be disposed of by directing respondent No.2 to consider and decide representation Annexure P/5 in accordance with law and take action in respect thereto as may be warranted in the facts and circumstances of the case.

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. Superintendent of Police, Yamuna Nagar, to consider and decide representation, Annexure P/5 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.

(B.S. Walia)
Judge

06.05.2021
Yag Dutt/Ayub

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