

118 IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRWP No.4692 of 2021
Date of Decision: 21.05.2021

Nikita Thakur and another ...Petitioners

Versus

State of Punjab and others ...Respondents

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

Present: Ms. Sukhveer Kaur, 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 and not to interfere in their married life at the behest of respondent Nos.4 to 6 and other relatives and friends.

3. Learned counsel contends that the petitioners 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 19 years of age as is evident from Aadhar Card (Annexure P/1), wherein her date of birth is recorded as 04.03.2002, while petitioner No.2 is 22 years of age as is evident from Aadhar Card (Annexure P/2), in which his year of birth is recorded as 12.05.1999. Learned counsel contends that due to mutual liking for each other, and without any fraud, force, pressure, coercion or undue influence, the petitioners got married on 18.05.2021 as per Hindu Rites and Rituals as is evident from marriage certificate (Annexure P/3) dated 18.05.2021 and photographs

(Annexure P/4) though against the wishes of respondent Nos.4 to 6 (i.e. uncles of petitioner No.1, who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/5 dated 18.05.2021 to respondent No.2 i.e. Senior Superintendent of Police, Gurdaspur, 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 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, Gurdaspur, to consider and decide representation, Annexure P/5 dated 18.05.2021 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.

21.05.2021

Rajneesh/Amit

(B.S. Walia)

Judge

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