

CRWP-4671-2021

Date of Decision: 21.05.2021.

MAJINDER KAUR AND ANR

...Petitioners

vs.

STATE OF PUNJAB AND ORS

...Respondents

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

Present: Mr.Sarvesh Kumar Gupta, 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 directions to respondent Nos. 1 to 3 to protect the life and personal liberty of the petitioners as also to restrain respondent Nos.4 from harassing and interfering in the peaceful life of the petitioners.
3. Learned counsel contends that the petitioners are major and fulfill all the conditions under the Hindu Marriage Act, 1955 so as to entitle them to get married, that petitioner No.1 is 31 years of age as is evident from Middle Standard Examination Certificate Annexure P/1 in which her date of birth is mentioned as 20.11.1989 while petitioner No.2 is 35 years of age as is evident from Aadhar Card Annexure P/2 wherein his date of birth is mentioned as 25.05.1986 and on account of mutual liking for each other, and without any fraud, force, pressure, coercion or undue influence, the petitioners got married on 18.05.2021 as is evident from the marriage certificate (Annexure P/3) dated 18.05.2021, though against the wishes of respondent No.4 i.e. brother of petitioner No.1 who is 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, Bathinda, 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 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, Bathinda, 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.

(B.S. Walia)
Judge

21.05.2021.
'Rajesh'

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