

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4740-2021

Date of Decision: 25.05.2021.

Beant Kaur and another

...Petitioners

State of Punjab and others

...Respondents

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

Present: Mr. Puneet Pali, 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 issuance of a writ in the nature of Mandamus directing respondent Nos.2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 & 5 and not to harass them on any false criminal complaint if lodged by respondent Nos.4 & 5 or any of their relatives.
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 as petitioner No.1 is 23 years of age as is evident from Aadhar Card Annexure P-1 wherein her date of birth is recorded as 07.05.1998, while petitioner No.2 is 28 years of age as is evident from Aadhar Card Annexure P-2 wherein his date of birth is recorded as 04.06.1992 and on account of mutual liking for each other and without any

fraud, force, pressure, coercion or undue influence, the petitioners got

married on 14.05.2021 as is evident from the marriage certificate, Annexure P-3, dated 14.05.2021 though against the wishes of respondent Nos.4 & 5, who are threatening them with harm to their life and liberty.

4. Learned counsel further contends that in the circumstances, the petitioners submitted a representation Annexure P-5 dated 19.05.2021 to respondent No.2 i.e. Commissioner of Police, Ludhiana, District Ludhiana 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.

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

6. Mr. Hittan Nehra, Additional Advocate General, 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.

7. 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. Commissioner of Police, Ludhiana, District Ludhiana to consider and decide representation, Annexure P-5 dated 19.05.2021, submitted by the petitioners in accordance with law as expeditiously as possible and take such action in respect thereto to provide protection to the petitioners 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

25.05.2021
sanjeev

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

