

[127] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4866 of 2021
Date of Decision: 27.05.2021

Arfina and another ...Petitioners

Versus

State of Haryana &Ors.Respondents

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

Present : Mr. S.K. Panwar, 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 personal liberty of the petitioners, as also not to interfere in the peaceful life of the petitioners at the behest of respondent Nos. 4 to 6 etc.
3. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law so as to entitle them to get married, petitioners are major as petitioner No.1 is more than 29 years of age as is evident from her Aadhar Card Annexure P/1, wherein her date of birth is recorded as 01.01.1992, while petitioner No.2 is 31 years of age as per his Aadhar Card Annexure P/2 in which his date of birth is recorded as 01.01.1990. 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 16.05.2021 as is evident from the Nikahnama, Annexure P/3 dated 16.05.2021, besides photographs, Annexure P/4, though against the wishes of respondent Nos.4 to 6 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/5 dated 19.05.2021 to respondent No.2 i.e. Superintendent of Police, District Mewat (Nuh), Haryana 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 writ petition is disposed of by directing respondent No.2 to consider and decide 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. Pawan Kumar Longia, DAG, Haryana, 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, District Mewat (Nuh), Haryana 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

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.

27.05.2021

'Rajneesh/Amit'

(B.S. Walia)

Judge

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No