

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

CRWP No.5281 of 2021
Date of Decision : 10.06.2021

Shamsher and another ...Petitioners

Versus

State of Haryana & Ors.Respondents

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

Present : Mr. A.S. Gulati, 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 liberty of the petitioners at the hands of respondent Nos.4 to 6 as also for directing the official respondents to restrain respondent Nos.4 to 6 or any other person from interfering in their married life.

3. Learned counsel contends that petitioner No.1 is 21 years of age as is evident from Aadhar Card Annexure P/1 wherein his date of birth is recorded as 01.01.2000, while petitioner No.2 is 17 years of age as per Aadhar Card, Annexure P/2 wherein her date of birth is recorded as 09.04.2004. Learned counsel contends that the parents of petitioner No.2 fixed her marriage with some other person

against her wishes as is evident from marriage card, Annexure P/3, consequently, petitioners on account of mutual liking for each other got married as per Hindu rites and ceremonies on 01.06.2021, as is evident from the photographs of marriage, Annexure P/4, without any fraud, force, pressure, coercion or undue influence 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 02.06.2021 to respondent No.2 i.e. The Superintendent of Police, District Fatehabad, Haryana, seeking protection of their life and liberty but no action has been taken in respect thereto 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 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. Gurmeet Singh, AAG, Haryana, who is present, accepts notice on behalf of respondent No.2 and states that although petitioner No.2 does not fulfill the conditions stipulated under law with regard to the age of marriage, yet he has no objection to the limited prayer for decision of the representation, Annexure P/5 for providing protection to the life and liberty of the petitioners at the hands of private respondents.

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. The Superintendent of Police, District Fatehabad,

Haryana to consider and decide representation, Annexure P/5 dated 02.06.2021, 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

10.06.2021
'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>