

CRWP No.6455 of 2021
Date of Decision : 13.07.2021

Versus

State of Punjab and others Respondents

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

Present : Mr. R.S. Sangha, 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.2 and 3 not to harass the petitioners at the instance of private respondents and further to direct respondent No.2 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 11 i.e. family members of petitioner No.2.
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 29 years of age as is evident from his Aadhar Card (Annexure P/3) in which his date of birth is recorded as 05.10.1992, while petitioner No.2 is 21 years of age as is evident from her Aadhar Card, (Annexure P/4) wherein her date of birth

is recorded as 02.03.2000. Learned counsel contends that due to mutual liking for each other, the petitioners got married on 08.07.2021 as is evident from Marriage Certificate (Annexure P/1), besides photographs of marriage (Annexure P/2) without any force, fraud, pressure, coercion or undue influence though against the wishes of respondent Nos.4 to 11 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation dated 08.07.2021 Annexure P/5 to respondent No.2 i.e. Senior Superintendent of Police, Amritsar City, District Amritsar, 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 dated 08.07.2021 i.e. 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. Hittan Nehra, learned Addl. A.G., Punjab, who is present in Court, 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, Amritsar City, District Amritsar, to consider and decide representation, Annexure P/5 dated 08.07.2021, submitted by the petitioners in accordance with law expeditiously 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

13.07.2021
'Rajneesh/Amit'

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