

CRWP-8312-2021

Date of decision: 02.09.2021

ISHITA KUMARI SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

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

Present : Mr. Joginder Siwach, 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 No. 2 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 6.
3. Learned counsel contends that in view of the date of birth of the petitioner's as evident from Aadhar Cards Annexure P-1 and P-2 respectively, the petitioners are more than 18/21 years of age respectively, therefore, entitled to get married under the provisions of the Hindu Marriage Act, 1955, and on account of mutual liking for each other, and without any force, fraud, pressure, coercion or undue influence, the petitioners got married on 30.08.2021 as is evident from marriage certificate Annexure P-3 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/4 dated 30.08.2021 to respondent No.2 i.e. The Senior Superintendent of Police, Patiala. Learned Counsel contends that the petitioners would be satisfied if the petition is disposed of by directing respondent No.2 to consider and decide representation Annexure P/4 in accordance with law, in a time bound manner and to provide protection to the petitioners.

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

5. Mr. Sarabjit Singh Cheema, AAG, Punjab 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. He, however, points out that the petitioners have rushed to court after submitting representation dated 30.08.2021 to respondent No.2 by post and without waiting for the representation to reach respondent No.2 and respondent No. 2 considering the same for action in accordance with law.

6. I have considered the submissions of learned counsel for the parties and 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, Patiala to consider and decide representation, Annexure P/4 dated 30.08.2021, submitted by the petitioners on receipt 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.

02.09.2021
'RAJESH'

(B.S. Walia)
Judge

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