

CRWP-8374-2021

Date of decision: 03.09.2021

Chanda and Anr.

...Petitioners

Versus

State of Haryana

....Respondent

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

Present : Mr. Deepak K. Bartia, 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. 1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 to 6.

3. Learned counsel contends that the petitioners are more than 18/21 years of age as is evident from school certificate/adhar card Annexure P-1 and P-2 respectively, therefore, they fulfill the age requirement as stipulated under the Hindu Marriage Act, 1955 and on account of mutual liking for each other, the petitioners without any force, pressure, coercion or undue influence got married on 31.08.2021 as is evident from marriage certificate Annexure P-4 dated 31.08.2021 though against the wishes of respondent Nos.4 to 6 who are threatening them with harm to their life and liberty. Learned counsel further contends that the petitioners submitted representation Annexure P/6 dated 31.08.2021 to respondent No.2 i.e. The Superintendent of Police, Kaithal 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 representation Annexure P/6 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. Rohit Arya, DAG, Haryana, 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. I have considered the submissions of the 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. Superintendent of Police, Kaithal to consider and decide representation, Annexure P/6 dated 31.08.2021, 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

03.09.2021

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