

CRWP No.8522 of 2021

Date of decision: 09.09.2021

Sunita and another

...Petitioners

Versus

State of Punjab and others

....Respondents

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

Present : Mr. Narinder Sharma, 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 direction to respondent Nos. 2 and 3 to protect the life and liberty of the petitioners and also for directing respondent Nos.4 to 7 not to interfere in the personal life and liberty of the petitioners etc.

3. Learned counsel contends that the petitioners are of marriageable age as per law as petitioner No.1 is more than 18 years of age as is evident from Aadhar Card Annexure P/1, wherein her year of birth is recorded as 17.09.2002, while petitioner No.2 is 21 years of age as per Aadhar Card Annexure P/2 in which his date of birth is recorded as 17.08.2000. Learned counsel contends that the petitioners fulfill the conditions under the Hindu Marriage Act, 1955 so as to entitle them to get married, consequently, on account of mutual liking for each other, the

certificate, Annexure P/3 dated 03.09.2021, besides, photographs of marriage (Annexure P/4) without any fraud, force, pressure, coercion or undue influence though against the wishes of respondent Nos.4 to 7 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/5 dated 04.09.2021 to respondent No.2 i.e. The Senior Superintendent of Police, Patiala, 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 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. Sidakmeet Singh Sandhu, learned AAG, Punjab, accepts notice on behalf of respondent No.2 and on perusal of the petition 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. The Senior Superintendent of Police, Patiala, to consider and decide representation, Annexure P/5 dated 04.09.2021, 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

09.09.2021
'Rajneesh/Amit'

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