

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-10114-2021

Date of Decision : 25.10.2021

Mamta Devi and another ...Petitioners

Versus

State of Haryana and othersRespondents

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

Present : Mr. D.S. Nigha, 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 directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 8, as also for directing respondent Nos.4 to 8 not to interfere in the personal life and liberty of the petitioners.

3. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law so as to entitle them to get married, petitioners are major as petitioner No.1 is 24 years of age as is evident from Aadhar Card Annexure P/1, wherein her date of birth is recorded as 24.02.1997, while petitioner No.2 is 32 years of age as per Aadhar Card Annexure P/2 in which his date of birth is recorded as 21.02.1989. Learned counsel contends that on account of mutual liking for each other, the petitioners got married as is evident from marriage certificate, Annexure P/3 dated 09.10.2021 without any fraud, force, pressure, coercion or undue

influence though against the wishes of respondent Nos.4 to 8 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/5 dated 18.10.2021 to respondent No.2 i.e. The Commissioner of Police, Panchkula, seeking protection of their life and liberty but no action has been taken in respect thereto till date and that in the circumstances, the instant petition. Learned counsel further 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/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. Naveen Kumar Sheoran, DAG, Haryana, who is present, 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 Commissioner of Police, Panchkula, to decide representation, Annexure P/5 dated 18.10.2021, 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

25.10.2021
'Rajneesh'

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