

CRWP-10219-2021**Date of decision: 27.10.2021**

Aishpreet Kaur And Another

.... Petitioners

Versus

State of Punjab and Ors.

..... Respondents

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

Present: Mr. D.S. Kahlon, 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 of Mandamus for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners etc.

[3] Learned counsel contends that petitioner No.1 is 18 years of age as is evident from Aadhar Card Annexure P/1, wherein her date of birth is recorded as 01.02.2003, while petitioner No.2 is 25 years of age as per Aadhar Card Annexure P/2 in which his date of birth is recorded as 04.08.1996 and that the petitioners fulfill all conditions stipulated under the Hindu Marriage Act, 1955 so as to entitle them to get married and that on account of mutual liking for each other, the petitioners got married on 22.10.2021 as is evident from Anand Karaj Certificate, Annexure P/3 dated 22.10.2021, 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 15 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/5

dated 23.10.2021 to respondent No.2 i.e. The Senior Superintendent of Police, Ludhiana Rural, District Ludhiana, 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. C.L. Pawar, learned Sr. DAG, 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, Ludhiana Rural, District Ludhiana to consider and decide representation, Annexure P/5 dated 23.10.2021, submitted by the petitioners in accordance with law expeditiously and take such action in respect thereto as warranted in the facts and circumstances of the case 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

27.10.2021