

(123) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12246-2021

Date of Decision : 29.12.2021

Pooja Jha and another ...Petitioners

Versus

State of Punjab and othersRespondents

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

Present : Mr. Jagan Nath Bhandari, Advocate for the petitioners.

B.S. Walia, J. (Oral)

1. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India is for the issuance of a direction to respondent Nos.1 to 3 to protect the life and liberty of the petitioners as also for directing respondent Nos.4 and 5 not to interfere in the personal life and liberty of the petitioners etc.

2. Learned counsel contends that the petitioners are of marriageable age as petitioner No.1 is aged about 18 years of age as is evident from 10th Class Marks Sheet and Aadhar Card Annexure P/1 (colly), wherein her year of birth is recorded as 03.10.2003, 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 09.06.1998. Learned counsel contends that the petitioners fulfill the conditions stipulated under the Hindu Marriage Act, 1955 so as to entitle them to get married, consequently, on account of mutual liking for

each other, the petitioners got married on 15.12.2021 as is evident from

marriage certificate, Annexure P/3 dated 15.12.2021, besides, photographs of marriage, without any fraud, force, pressure, coercion or undue influence, though against the wishes of respondent Nos.4 and 5 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/4 dated 20.12.2021 to respondent No.2 i.e. The Senior Superintendent of Police, S.A.S Nagar, Punjab, 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/4 in accordance with law, in a time bound manner and to provide protection to them.

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

4. Mr. Harbir Sandhu, learned Assistant Advocate General, 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.

5. 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, S.A.S. Nagar, Punjab, to consider and decide representation, Annexure P/4 dated 20.12.2021, submitted by the petitioners in accordance with law as expeditiously as possible and take such action in

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

29.12.2021
rajeev

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