

129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12260-2021

Date of Decision : 29.12.2021

Pooja and anr.

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

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

Present : Mr. Vipul Aggarwal, 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. 2 and 3 to provide adequate security and protection to the life and liberty of the petitioners. Further prayer has also been made for directing respondent No.3 not to harass or threaten the petitioners at the hands of respondent Nos.4 to 6 respectively.

2. Learned counsel contends that the petitioners are of marriageable age as petitioner No.1 is more than 18 years of age as is evident from Aadhar Card, Annexure P/3 wherein her date of birth is recorded as 11.12.2003, while petitioner No.2 is more than 22 years of age as per Aadhar Card Annexures P/4 & P/5 in which his date of birth is recorded as 05.10.1999. 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

petitioners got married on 22.12.2021 as is evident from marriage photographs, Annexure P/1 as well as marriage certificate, Annexure P/2 dated 22.12.2021 without any fraud, force, pressure, coercion or undue influence though against the wishes of respondent Nos.4 to 6 who are threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/6 dated 23.12.2021 to respondent No.2 i.e. The Senior Superintendent of Police, District Jalandhar Rural 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/6 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, 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.

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, District Jalandhar Rural to consider and decide representation, Annexure P/6 dated 23.12.2021, 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, itis made clear that this order shallnot bar any civil or criminal proceedingsinitiated against the petitioners inaccordance with law.

29.12.2021

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(B.S. Walia)

Judge

Whether speaking/ reasoned

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Yes/No

Whether reportable

:

Yes/No