

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12262-2021

Date of Decision : 29.12.2021

Reena Devi and another

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

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

Present : Mr.Mohan Singh Rana, Advocate for the petitioners.

B.S. Walia, J. (Oral)

1. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. is for the issuance of a writ in the nature of Mandamus directing the official respondents i.e. respondent Nos.2 and 3 to provide adequate security and protection to the life and liberty of the petitioners at the hands of respondent Nos.4 to 6 and other relatives etc.

2. Learned counsel contends that the petitioners are of marriageable age as petitioner No.1 is 19 years of age as is evident from Aadhar Card, Annexure P/1 wherein her date of birth is recorded as 04.12.2002, while petitioner No.2 is more than 31 years of age as per Aadhar Card, Annexure P/2 in which his date of birth is recorded as 25.05.1990. 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

24.12.2021 as is evident from Marriage Certificate, Annexure P/3 dated 24.12.2021, besides, marriage photographs, Annexure P/4 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/5 dated 24.12.2021 to respondent No. 2 i.e. The Senior Superintendent of Police, Hoshiarpur, District Hoshiarpur 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.

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, Hoshiarpur, District Hoshiarpur to consider and decide representation, Annexure P/5 dated 24.12.2021, 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, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

29.12.2021
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(B.S. Walia)
Judge

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