

Rama and another

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Abhishek Kaushik, Advocate for
Mr. Vikram Sheoran, 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 writ in the nature of Mandamus directing respondent Nos.2 and 3 to protect the life and personal liberty of the petitioners at the hands of respondent No.4 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 21.11.2002, while petitioner No.2 is more than 26 years of age as per Aadhar Card, Annexure P/2 in which his date of birth is recorded as 10.01.1995. Learned counsel contends that the petitioners on account of mutual liking for each other got married on 26.12.2021 as is evident from marriage photographs, Annexure P/3 as well as Marriage Certificate, Annexure P/4 dated 26.12.2021, without any fraud, force, pressure, coercion or undue influence though against the wishes of respondent No.4 who is threatening them with harm to their life and liberty, therefore, the petitioners submitted representation Annexure P/5 dated 27.12.2021 to respondent No.2 i.e. The

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, Gurdaspur, District Gurdaspur to consider and decide representation, Annexure P/5 dated 27.12.2021, 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.

(B.S. Walia)
Judge

29.12.2021

amit

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