

CRWP-12277-2021

Date of Decision : 29.12.2021

Komal Kumari and another

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Ms. Monu Khan, Advocate
Mr. S.K. Virk, 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 directing respondent Nos.2 and 3 to protect the life and personal liberty of the petitioners at the hands of respondent Nos.4 to 6 as also directing respondent Nos.4 to 6 not to interfere in the peaceful married life of the petitioners etc.

2. Learned counsel contends that the petitioners are of marriageable age as petitioner No.1 is more than 24 years of age as is evident from Aadhar Card, Annexure P/1 wherein her date of birth is recorded as 13.08.1997, while petitioner No.2 is more than 25 years of age as per Aadhar Card, Annexure P/2 in which his date of birth is recorded as 22.10.1996. 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 27.12.2021 as is evident from Marriage

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 27.12.2021 to respondent No.2 i.e. The Senior Superintendent of Police, Kapurthala District Kapurthala 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, Kapurthala District Kapurthala 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>