

134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12271-2021

Date of Decision : 29.12.2021

Jashanpreet Kaur and another

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

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

Present : Mr. Gautam Kaile, 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 and life and personal liberty of the petitioners at the hands of respondent Nos.4 to 9 as also for directing respondent Nos.4 to 9 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 more than 18 years of age as is evident from Aadhar Card, Annexure P/1 wherein her date of birth is recorded as 31.10.2003, 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 16.03.1996. 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 24.12.2021 at Gurudwara Akalgarh Sahib, Village

Karor Kalan, Tehsil and District Mohali, 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 9 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, Tarn Taran, District Tarn Taran 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, Tarn Taran, District Tarn Taran 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

perception to the petitioners.However, itis made clear that this order shallnot
bar any civil or criminal proceedingsinitiated against the petitioners
inaccordance with law.

(B.S. Walia)
Judge

29.12.2021
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Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No