

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16924-2018 (O&M)

Date of decision: 24.4.2018

Mahima and another

...Petitioners

VERSUS

State of U.T., Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Petitioners along with their counsel
Mr. Chander Shekhar Singhal, Advocate.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 of Code of Criminal Procedure for protection of life and liberty of the petitioners as they married each other against the wishes of private respondent No.4.

Petitioner-Mahima was married with Jitender Singh son of late Shri Jaswant Singh. She claimed to be married twice. It is apparent that her first marriage is subsisting. She claims dissolution of her marriage by swearing her own affidavit.

To the mind of this Court, she cannot marry with her co-petitioner until her first marriage is legally dissolved. Purpose of granting protections under the provisions of Section 482 Cr.P.C. does not intend to override the provisions of Hindu Marriage Act nor it intends to spread chaos in the society. The first petitioner has a living husband, therefore, she is not

entitled to perform marriage with second petitioner. Apart from it, this marriage is not legal rather void, therefore, petitioners are not entitled to any protection as prayed for.

Dismissed.

April 24, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

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