

247+115.

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

CRM-M-30130-2018 (O&M)

Date of decision:08.10.2018.

GULAPSA AND ANR

... Petitioners

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Lokesh Sharma, Advocate, for the petitioners.

Mr. Ripu Daman, AAG, Haryana, for respondents No.1 to 3.

Ms. Manjeet Kaur, Advocate, for respondent No.5.

HARI PAL VERMA, J. (Oral)

CRM-27500-2018

Prayer in this application filed under Section 482 Cr.P.C. is to place on record copy of FIR and Marriage Card as Annexures R-6 and R-7.

For the reasons stated in the application, same is allowed and the documents Annexures R-6 and R-7 are taken on record, subject to all just exceptions.

CRM-31722-2018

Prayer in this application filed under Section 482 Cr.P.C. is to place on record marriage photographs of petitioners No.1 and 2 as Annexure A-1.

For the reasons stated in the application, same is allowed and the photographs of petitioners No.1 and 2 as Annexure A-1 are taken on record, subject to all just exceptions.

CRM-M-30130-2018

Prayer in the present petition under Section 482 Cr.P.C. is for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioners, who are adults and have got married with each other on 10.07.2018, but respondents No.4 to 8 are objecting to this marriage.

On 19.07.2018 when the present petition was taken up for hearing, Ms. Manjeet Kaur, Advocate, had put in appearance on behalf of respondent No.5. Respondent No.5 is the mother of petitioner No.1-Gulapsa. The counsel for respondent No.5 had pointed out that petitioner No.1 was already married with Mohd. Irshad and while concealing this fact, petitioners have approached this Court so as to seek protection on the ground that they are married. The factum of earlier marriage had not been disclosed and rather conveniently withheld.

However, considering the nature of controversy, this Court on 19.07.2018, while adjourning the case for 09.08.2018, had directed the Superintendent of Police, Faridabad that no harm should be caused to the life and liberty of the petitioners, but at the same time, petitioners were directed to place on record their photographs. On 09.08.2018, SHO, Police Station Nuh was directed to verify the marriage certificate dated 10.07.2018 issued by Mohd. Hamid as attached with the petition.

Pursuant to the order dated 09.08.2018, Mr. Mohd. Ahmad, Kazi, who had performed the marriage of petitioner No.1 with respondent No.7-Mohd. Irsad, is present in Court today. He has been identified by S.I. Rajbir Singh, Police Station Nuh (Mewat).

Mr. Mohd. Ahmad has made a separate statement to the effect that he was the kazi in the marriage solemnized between petitioner No.1 and respondent No.7 on 15.04.2018.

This Court finds that the petitioners have not approached this Court with clean hands. The affidavit dated 16.07.2018 so furnished by the petitioners (Annexure P-4) is contrary to record as they have concealed the factum of earlier marriage held on 15.04.2018 between petitioner No.1 and respondent No.7.

Those who approached the Court for relief like the present one with unclean hands, have no right to be heard on merits. The statement of Mohd. Ahmad, Imam of Masjid at Village Dhauj, clearly substantiate the fact of earlier marriage.

Since while approaching this Court the petitioners have not disclosed true facts before this Court and had rather conveniently withheld the factum of earlier marriage between petitioner No.1 and respondent No.7, they have no right to be heard on merits in the case. Accordingly, present petition is dismissed.

(HARI PAL VERMA)
JUDGE

08.10.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.