

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

111+242

CRM-M-15865-2017 (O & M)
Date of Decision:03.05.2019

Jaspreet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Sidhu, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. L.S. Bhullar, Advocate
for respondents No.5 and 6.

Mr. Lalit Yadav, Advocate for
Mr. S.R. Hooda, Advocate
for the applicant in CRM-40743-2018.

MANOJ BAJAJ, J.

Jaspreet Kaur and Jagdeep Singh have filed this petition jointly under Section 482 Cr.P.C. for issuance of directions to the official respondents No.1 to 4 for protection of their lives and personal liberty as well as direction to the private respondents for not interfering in their personal lives, as the petitioners had performed their marriage against the wishes of the private respondents. It was claimed that the petitioners were major and had entered into the marriage with their own free will and consent.

On 05.05.2017, notice of motion was issued and respondents No.2 and 3 were directed to ensure that the lives and liberty of the

petitioners are not put to any harm or threat at the hands of the private respondents.

Respondents No.5 and 6 i.e. parents of petitioner No.1 (Jaspreet Kaur) filed their short reply, wherein it was stated that actually petitioner No.1 had earlier married with Pawandeep Singh son of Panju Ram and a similar protection was sought by them through CRM-M-55120-2007 decided by this Court on 07.01.2008. It was pleaded that the stand of the petitioners that it is their first marriage, is apparently false.

The reply was also filed by the official respondents No.1 to 4 by way of affidavit of Jasmeet Singh, PPS, DSP Dakha, District Ludhiana, wherein the similar stand was adopted that petitioner-Jaspreet Kaur had previously entered into a marriage with Pawandeep Singh.

The petition contains the disputed facts regarding the validity of the marriage of Jaspreet Kaur. However, during the pendency of the petition, the parents (respondents No.5 and 6) of petitioner No.1 have filed CRM-14210-2019 for withdrawal of their short reply dated 29.05.2017. It is pleaded that they do not want to pursue the matter against their daughter as they have no ill-will against her and petitioner No.2. It is mentioned that previously Pawandeep Singh had enticed their daughter and prepared the forged documents with some photographs. It is further pleaded that said Pawandeep Singh had again performed his marriage with someone else in Sangu Palace at Kohara, Tehsil Samrala, District Ludhiana. The application is not opposed by the learned counsel for the petitioners or the learned State counsel.

Learned counsel appearing on behalf of Pawandeep Singh has filed an application bearing CRM-40743-2018 for impleading Pawandeep

Singh as respondent No.11. According to him, petitioner No.1 had already married with the applicant Pawandeep Singh and without dissolution of the said marriage, she has illegally entered into the marriage with petitioner No.2.

In view of the above stand of the parties, it is apparent that the petition is based on disputed facts of the marriage performed by petitioner No.1 Jaspreet Kaur and the same cannot be gone into by invoking jurisdiction under Section 482 Cr.P.C.

Considering the stand of the parents (respondent No.5 and 6) of petitioner No.1, application i.e. CRM-14210-2019 for withdrawal of their short reply filed previously is allowed.

At this stage, learned counsel for the petitioners wishes to withdraw this petition.

Prayer is accepted.

The petition is ordered to be dismissed as withdrawn.

As far as the application i.e. CRM-40743-2018 of applicant Pawandeep Singh is concerned, which raises disputed question of facts and, therefore, can be effectively decided by way of adducing evidence.

Resultantly, the application is dismissed.

However, it shall be open for him to seek his alternative remedy in accordance with law.

03.05.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No