

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

CWP No.17336 of 2019

Date of decision:-19.07.2019

Karamjit Kaur and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Bhupinder Singh, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. M.S. Atwal, Advocate.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant writ petition was filed seeking a mandamus for directing the official respondents to protect the life and liberty of the petitioners by voicing an apprehension and threat to the same at the hands of respondent No.4 namely Gurmeet Dass.

In the instant petition it has been averred that the petitioners have entered into matrimony and this is their first marriage.

It was further stated that private respondent No.4 is against the matrimonial alliance and has issued threats to kill them.

The writ petition came up for preliminary hearing before this Court on 28.06.2019 and the following order was passed:-

It is stated that petitioner No. - Karamjit Kaur, aged about 29 years and petitioner No.2- Satpal aged about 22 years have got married against wishes of their family members, who

are threatening to interfere in their marital life, as such to seek protection in that regard, they have approached this Court by way of filing the present petition.

Of course nobody can be allowed to take law into his hands and to indulge in illegal activities.

Notice of motion for 12.07.2019.

In the meanwhile, respondent No.2-Senior Superintendent of Police, Hoshiarpur, is directed to ensure that no physical harm is caused to the petitioners at the hands of private respondents or persons claiming under them. However, this order is not to be taken as legalizing the alleged marriage between the petitioners and shall not save the petitioners from any criminal or civil action, to which they may be found liable in view of the circumstances of the case.

28.06.2019

*Sd/-
(H.S. MADAAN)
JUDGE*

Thereafter matter was taken up by this Court on 12.07.2019 and Mr. M.S. Atwal, Advocate entered appearance and informed the Court that the writ petition is founded on false facts and rather petitioner No.1 Karamjit Kaur was already married prior in point of time to Mr. Mohinder Singh and out of wedlock two children have been born. Accordingly while deferring proceedings to today, this Court had directed the SHO PS Mehtiana, District Hoshiarpur, to ensure the presence of both the petitioners in Court on the adjourned date i.e. 19.07.2019/today.

In compliance of the directions issued by this Court both Karamjit Kaur and Satpal/petitioners No.1 and 2 are present in Court and they are duly identified by their counsel Mr. Bhupinder Singh.

On being questioned, Karamjit Kaur has admitted in Court that she was married earlier to Mohinder singh and has two children from such wedlock. She further concedes that the marriage still subsists and has not been dissolved by grant of any decree of divorce. Petitioner No.2 Satpal has also conceded upon being questioned in Court that he was aware of that Karamjit Kaur was married earlier to one Mohinder Singh.

In para 13 of the instant petition there are specific averments that it was the first marriage of the petitioners. The writ petition is supported by two separate affidavits i.e. one at the hands of petitioner No.1 Karamjit Kaur and the other by petitioner No.2 Satpal.

The petitioners have deliberately made false averments in the writ petition. A clear attempt has been made to mislead and also to hoodwink this Court. By their conduct, petitioners have dis-entitled themselves from any relief from this Court.

Consequently writ petition is dismissed.

Needless to observe that the interim directions issued by this Court on 28.06.2019 would also cease to operate.

It would be open for Mohinder Singh i.e. husband of petitioner No.1 to take out appropriate proceedings against the petitioners in view of the observations made by this Court in the instant order.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

19.07.2019

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No