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

CRWP-5177-2020 (O&M)
Date of decision : 26.08.2020

Ranjot Kaur and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. P.S. Rai, Advocate for respondent No.4.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a criminal writ petition under Articles 226/227 of the Constitution of India praying for issuance of directions to respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 8.

It has been averred in the petition that both the petitioners are resident of District Bathinda and both are major. It has further been averred that the petitioners had solemnized their marriage on 20.07.2020 at Gurudwara Dashmesh Pita Patshahi Dasmi (Regd.), Village Singha Devi, Tehsil Kharar, District Mohali. The marriage certificate dated 20.07.2020 (Annexure P-5) and the photographs of the marriage ceremony (Annexure P-4) have been attached with the petition.

It has further been averred that since they were apprehending threats to their life and liberty at the hands of respondent Nos.4 to 8, they filed a representation dated 20.07.2020 (Annexure P-6). However, since no action was taken by the official respondents, the present petition was filed.

On 23.07.2020, the following order was passed:-

“Heard through video conferencing.

This is a petition under Articles 226/227 of the Constitution of India for issuance of directions to respondent Nos.2 and 3 to protect the life and liberty of the petitioners.

It has been stated in the petition that both the petitioners are major and that they have solemnized their marriage on 20.07.2020. Thereafter, they moved a representation before respondent No.2 which has not been decided till date. They are apprehending danger from their relatives against the wishes of whom they have solemnized the marriage.

Mr. Parminder Singh Rai, Advocate, has put in appearance through video conferencing on behalf of respondent No.4, the father of petitioner No.1, and has stated that petitioner No.1 has filed a petition under Section 9 of the Hindu Marriage Act, 1955 in the Family Court at Bathinda. In the said petition it has been stated on affidavit that both the petitioners have solemnized their marriage on 16.07.2019. He also points out that thereafter on 07.03.2020 statements of both the petitioners were recorded in the proceedings under Section 9 of the Hindu Marriage Act, 1955 petition before the Family Court at Bathinda wherein they had stated that both the parties had entered into a compromise and now the present petition has been filed seeking protection of life and liberty on the ground that they have solemnized the marriage on 20.07.2020.

In view of the above, the State to verify the above-noted facts and place a report before the Court on or before the next date of hearing.

Adjourned to 18.08.2020.”

Learned counsel for respondent No.4 has today produced via email a copy of the petition filed by the petitioner No.1 before the Family Court at Bathinda under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as ‘HMA’) as well as the orders passed thereon. A copy of the same has been printed and retained on the file.

Confronted with the same, learned counsel for the petitioners was not in a position to deny the fact that a petition was filed by petitioner No.1 against petitioner No.2 under Section 9 of the HMA. He, however, stated that the petitioners had approached the lawyer in Bathinda for filing a petition for protection of their life and liberty and he, under some misconception, had filed the aforesaid petition under Section 9 of the HMA.

Learned AAG, Punjab has stated that the Police tried numerous times to get in touch with the petitioners and respondent Nos.4 to 8, however, the house was found to be locked. Even the petitioners were not contactable.

After going through the record of this case this Court is convinced that the petitioners have approached this Court with unclean hands inasmuch as according to the averments made in the present petition their marriage is said to have been solemnized on 20.07.2020. However, as per the documents produced by the counsel for respondent No.4 (petition

and orders in the proceedings under Section 9 of the HMA) the case set up was that the parties had solemnized their marriage on 16.07.2019 by way of Sikh Rites and Ceremonies. Further, the statement of both the parties was recorded by the Family Court at Bathinda on 07.03.2020 by passing the following order:-

“The parties have been effected compromise. Shani Singh has suffered a statement that he has compromised with Ranjot Kaur and according to compromise he is bound to give half property of his share. There will be no interference in our domestic life by my parents or any other relative. I will maintain the petitioner nicely and perform my obligation. Similarly, petitioner Ranjot Kaur made statement that she is agreed with statement made by respondent Shani and she is giving with her husband today in her matrimonial home and fulfill all her duties as wife. So, she does not want to proceed with the present petitioner and withdraw the same.”

A conjoint reading of the present petition and the petition filed by the petitioner No.1 before the Family Court at Bathinda leaves no manner of doubt that the petitioners are playing hide and seek with the Courts and have approached this Court with unclean hands by concealing facts and also giving incorrect facts. The petitioners, for reasons best known to them, choose not to disclose in the present petition the factum of the filing of the earlier petition under Section 9 of the HMA by the petitioner No.1 and about the compromise arrived therein as recorded by the Family Court at Bathinda. Further, the counsel for the petitioners has not been able to give any explanation as to why the petitioners went through a wedding

ceremony on 20.7.2020 in District Mohali when, according to the petition filed under Section 9 of the HMA, they had already got married a year earlier on 16.7.2019 in Bathinda. The Court is left guessing as to why the petitioners are giving different dates and places of their wedding in different proceedings before different Courts. The reason offered by the counsel for the petitioners that they had approached the lawyer in the Family Court at Bathinda for filing a petition for protection and instead the lawyer filed a petition under Section 9 of the HMA is belied by the very fact that a joint statement of the parties was recorded before the Family Court at Bathinda on 07.03.2020. Had the petition before the Family Court at Bathinda been filed under any misconception, the same could have been cleared before the Family Court itself when both the parties had appeared and got their statements recorded. The Court also cannot loose sight of the fact that the petition before the Family Court at Bathinda was filed by petitioner No.1 alone and against only the present petitioner No.2. If the petitioners indeed wanted to seek protection from the Family Court at Bathinda they both would have been the petitioners.

In the case of '*S.P. Chengalvaraya Naidu vs. Jagannath*', (1994) 1 SCC 1, the Supreme Court observed inter-alia that "*The courts of law are meant for imparting justice between the parties. One who comes to the Court, must come with clean hands. We are constrained to say that more often than not, process of the Court is being abused. Property-grabbers, tax-evaders, Bank-loan-dodger; and other unscrupulous persons from all walks of life find the Court process a convenient lever to retain the*

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*illegal gains indefinitely. We have no hesitation to say that a person whose case is based on falsehood, has no right to approach the Court. He can be summarily thrown out at any stage of the litigation".*In '***Vijay Syal vs. State of Punjab***', (2003) 9 SCC 401, the Supreme Court had held that "*In order to sustain and maintain the sanctity and solemnity of the proceedings in law courts it is necessary that parties should not make false or knowingly, inaccurate statements or misrepresentation and/or should not conceal material facts with a design to gain some advantage or benefit at the hands of the court*".

Thus, it is well settled that no equities can arise in favour of a dishonest litigant. He who comes on equity must approach the Courts with clean hands. The present petition filed by the petitioners before this Court and the facts mentioned above make it patent that the petitioners are disentitled from seeking relief from this Court for having tried to suppress and twist facts. They have approached this Court with unclean hands and, hence, the present petition deserves to be dismissed.

Dismissed.

26.08.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO