

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-6143-2020

Date of Decision:-20.08.2020.

Mohd. Irshad and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Aazam Khan, Advocate for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana.

SANJAY KUMAR, J. (Oral)

The petitioners seek a direction to the police authorities of the State of Haryana to protect their lives and liberty from any threat posed by respondent Nos.4 and 5, the relations of the second petitioner.

The petitioners are both majors and filed their Aadhar Cards in proof of their dates of birth. They claim to have solemnized their marriage on 27.07.2020 as per Muslim rites and rituals. As the father and uncle of the second petitioner, respondents 4 and 5 herein, were opposed to their relationship, the petitioners filed the present case.

While so, Mr. Talim Hussain, learned counsel, would inform this Court that he is instructed to appear for the 4th respondent, the father of the second petitioner. He would further inform this Court that the petitioners filed two writ petitions earlier for the very same relief and got them dismissed.

Perusal of the writ petition reflects that the petitioners disclosed the fact they they earlier filed CRWP-5873-2020 claiming the same relief and that the said case was dismissed as withdrawn, granting them liberty to file a fresh case with better/correct particulars. However, the petitioners did not choose to mention the fact that they had also filed CRWP-5550-2020 seeking the very same relief earlier and the said writ petition was dismissed as withdrawn on 05.08.2020, without liberty being sought or granted to them to approach this Court once again.

Though Mr. Aazam Khan, learned counsel, would point out that he was not the arguing counsel in the first matter and contend that the same should not be held against him, the inescapable fact remains that the petitioners chose to withhold this information while filing the present writ petition. That apart, as no liberty was sought by them or granted by this Court, at the time of withdrawal of CRWP-5580-2020, the petitioners would not even be entitled to file a fresh case on the same cause of action. Be it viewed from any angle, it is clear that the petitioners did not approach this Court with clean hands as they deliberately chose to suppress material facts which have a bearing on this case. The writ petition is therefore a clear abuse of process (See *K.D. Sharma vs. SAIL* [(2008) 12 SCC 481])

The writ petition is accordingly dismissed on this short ground.

No order as to costs.

(SANJAY KUMAR)
JUDGE

August 20, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.