

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-6773-2020****Date of decision-03.09.2020****Paramjit Kaur and others****...Petitioners****Vs.****State of Punjab and others****...Respondents****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Harshit Jain, Advocate for the petitioners.

*********MANOJ BAJAJ, J.**

Through this writ petition, petitioners are praying for a writ of mandamus by way of directions to the respondent Nos.2 and 3, thereby restraining them from harassing the petitioners or interfering in their peaceful lives, at the instance of private respondent Nos.4 to 8 and further to direct the official respondents to protect their life and liberty.

The facts in brief leading to the writ petition are that Paramjit Kaur (petitioner No.1) got married with Tarlochan Singh (respondent No.7) in the year 2002 and out of this wedlock, a son, namely, Balwinder Singh (petitioner No.2) was born, who is now 16 years old. The mother along with her son is presently residing with Parminder Singh (petitioner No.2), who was already married to Rekha (respondent No.4) in the year 2006. The petitioner No.3 and respondent No.4 were also blessed with a son who is presently 10 years old and resides with the mother. According to the pleadings, petitioner No.1 was treated with cruelty by her husband, mother-in-law (respondent No.8) and was thrown out of the matrimonial house in the year 2016 and since then, petitioner Nos.1 and 3 are residing with petitioner No.2, and she has also filed complaint against respondent No.7

It is further pleaded that respondent No.4 also failed to discharge her matrimonial duty by neglecting petitioner No.2 and is residing with her father. The petitioner Nos.1 and 2 belong to the same city Ahmedgarh, District Sangrur and therefore, they developed relations with each other and decided to live together, but when the private respondent Nos.4 to 8 came to know about this, they entered their house and gave them beatings. The petitioners ran away and saved their lives. The petitioners submitted a representation dated 29.08.2020 (Annexure P-4), in respect of the occurrence before the Senior Superintendent of Police, Sangrur. It is claimed that the petitioner Nos.1 and 2 are major and in love, therefore, are residing together in live-in relationship, whereas the private respondent Nos.4 to 8 are adamant to involve them in a false case. Hence this writ petition.

Learned counsel for the petitioners contends that presently, petitioners No.1 and 2 are in live-in relationship and living happily with the son of petitioner No.1. He submits that both are major and therefore, private respondents have no right to interfere in their peaceful lives. According to him, petitioner No.1 and petitioner No.2 were dealt with cruelty by their respective spouses and therefore, in these compelling circumstances they have chosen to live together as they were previously known to each other. He further contends that the petitioner No.1 has already filed petition for maintenance under Section 125 Code of Criminal Procedure to claim maintenance for herself and petitioner No.3 and a complaint under Protection of Women from Domestic Violence Act, 2005.

He further submits that the representation was also given to the respondent No.2, however, the same has not been looked into so far,

their life and liberty. He prays that appropriate direction be issued.

After hearing learned counsel for the petitioners, this Court finds that petitioner Nos.1 and 2 have not approached this Court with clean hands and have suppressed material facts. Except for the bald allegation that respondent No.4 treated the petitioner No.2 with cruelty, no supportive material has been placed on record by him, muchless an affidavit to support the pleadings. The stand of the petitioner No.1 regarding cruelty meted out to her by respondent Nos.7 and 8 has also not been substantiated as no such complaint has been placed on record.

During the course of hearing, it is not disputed by learned counsel that petitioner No.1 left the company of respondent Nos.7 and 8, in the year 2016 and the complaints were filed by her in the year 2018. Further, it is also conceded by Mr. Jain, learned counsel that petitioner Nos.1 and 2 have neither obtained divorce from their respective spouses, nor any such petition for divorce is pending. Even otherwise, it is the case of the petitioner Nos.1 and 2 that they were previously known to each other, being resident of the same place, therefore, they fell in love and decided to live together and it might have resulted strained relations between the legally wedded partners.

Apart from the above, the averments regarding the alleged incident of beatings in the petition and the representation do not reveal the material particulars such as the date, time, place etc of the occurrence and therefore, does not inspire confidence. Concededly the petitioners are living together since 2016 and the representation has been given recently i.e. just three days before the filing of the present petition, and therefore, does not appear to be a genuine cause of action.

A careful analysis of the facts and circumstances of the case

clearly establishes that the filing of the petition is a calculated move by the

petitioner Nos.1 and 2, who have levelled unsubstantiated allegations against their respective spouses, in an attempt to camouflage their unholy alliance, without even obtaining divorce, which may also constitute an offence under penal laws. Apparently, not only the petition for protection is founded on frivolous grounds, but it also amounts to abuse of the process of law, therefore, this Court finds it to be a fit case for imposition of costs.

In view of the above, this Court does not find any reason to exercise the extra ordinary writ jurisdiction and the petition is dismissed with costs of Rs.50,000/- to be borne by petitioner Nos.1 and 2. It is ordered that the costs be deposited in Bar Council of Punjab and Haryana, COVID-19 Relief Fund, within four weeks from today.

Chief Judicial Magistrate, Sangrur shall ensure the recovery and deposit of the costs.

(MANOJ BAJAJ)
JUDGE

03.09.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No