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

CRWP-7880-2020

Date of decision-26.10.2020

Jagmeet Singh and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Gulati, Advocate for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.

MANOJ BAJAJ, J.

Through this writ petition, the petitioners are praying for a writ of mandamus by way of directions to the respondent Nos.1 to 3 to protect their life and liberty and further for restraining the respondent Nos.4 to 9 from interfering in their peaceful life.

The facts in brief leading to the writ petition are that the petitioners fell in love and decided to live together in relationship and when the decision was expressed to the parents of petitioner No.2, the same was not accepted by her parents. On 20.02.2008 (wrongly mentioned as 2018), parents of petitioner No.2 got her married with respondent No.4 against her wishes. Petitioner No.2 was not happy with her marriage. It is alleged that respondent No.4 used to harass her mentally and physically, therefore, on 22.02.2020, she left her matrimonial home. Presently she is residing with petitioner No.1 in live-in relationship. According to the pleadings,

respondent Nos.4 to 9 turned against alliance of the petitioners and threatening them to kill. The petitioners apprehend that the private respondents would cause harm to them, therefore, they submitted a representation dated 20.09.2020 (Annexure P-3) to Senior Superintendent of Police, Fazilka, whereupon no action has been taken. Hence this writ petition.

On 12.10.2020, notice of motion was issued and following order was passed:-

“The matter has been taken up for hearing through videoconferencing due to COVID-19 situation.

Learned counsel for the State seeks more time to file status report.

It is evident that no formal notice was issued to the respondents.

Notice of motion for 26.10.2020.

Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondents No. 1 to 3.

Let status report be filed before the next date.

As per pleadings in the petition, petitioner No. 2 is married to respondent No. 4.

Let an officer not below the rank of Deputy Superintendent of Police also record the statement of respondent No. 4 and produce it on the next date.”

Pursuant to the order dated 12.10.2020, status report by way of affidavit of Palwinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Jalalabad, District Fazilka on behalf of respondent Nos.1 to 3 has been filed.

Perusal of the report reveals that respondent No.4 is presently confined in prison and is serving his sentence since 02.08.2017.

Further, it is mentioned that statements of both petitioners and respondent No.4 have been recorded. In their statements, petitioners have mentioned that they are presently residing together in live-in relationship. It is stated that after confinement of husband of petitioner No.2 (respondent No.4), her in-laws tortured her, due to which she left her matrimonial home and decided to live with petitioner No.1.

On the contrary, respondent No.4 in his statement has stated petitioner No.2 is his legally wedded life. They got married 12 years ago and they are blessed with two children, who are presently 11 years and 06 years old, respectively. He further stated that his wife deserted his children and living with Jagmeet Singh (petitioner No.1).

At this stage, learned counsel for the petitioners prays for withdrawal of the petition.

After hearing, learned counsel for the petitioners, this Court finds that the petitioner No.2 is already married, who has now entered into relations with petitioner No.1 without dissolution of marriage. During the course of hearing, it is not disputed by learned counsel that neither the children are residing with the mother nor any petition for dissolution of marriage has been filed by her. Apart from it, it is also evident that no complaint whatsoever was ever made by petitioner No.2 against her husband.

A perusal of the pleadings shows that petitioner No.2 has entered into 'unholy alliance' with petitioner No.1 and her live-in relationship is nothing but adultery. The representation submitted by the petitioners to respondent No.2 does not contain the allegations against the respondents as pleaded in the writ petition, much less the manner and mode

of alleged threat extended to the petitioners. The above facts and circumstances of the case clearly establish that the case is filed on false grounds and the statements further indicate that they have misused the process of law, therefore, the petitioners deserve to be burdened with 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 deposited with Punjab and Haryana High Court Employees' Welfare Association.

(MANOJ BAJAJ)
JUDGE

26.10.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No