

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

CRWP-8081-2020

Date of decision-07.10.2020

Rajbala and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Bishnoi, Advocate for the petitioners.

MANOJ BAJAJ, J.

Through this writ petition, the petitioners are praying for a writ of mandamus by way of directions to the respondent Nos.2 and 3 for providing them police protection and further for restraining the respondent Nos.4 to 6 from interfering with the life and liberty of the petitioners in any manner. Lastly, it has been prayed that the official respondents be also restrained from harassing the petitioners, at the instance of private respondents.

The facts in brief leading to the writ petition are that Raj Bala (petitioner No.1) was married with Dinesh Kumar (respondent No.4) in the year 2011, as per Hindu rights and rituals. The said marriage was against the wishes of the petitioner No.1 as she was already having love affair with petitioner No.2, but she accepted the marriage to keep the reputation of the family. Later on, petitioner No.1 found that her husband used to remain under the influence of alcohol, drugs and was quarrelsome in nature. Out of this wedlock, two sons were born, who are presently 8 years and 1 ½ years old, respectively. After spending eight years with her husband, petitioner

alleged conduct of her husband to the parents, but she was sent back to her matrimonial home. As per the pleadings, respondent No.4 again started giving beatings to petitioner No.1 and she decided to separate and left his company on 02.08.2020, but because of the pandemic, she could not file the divorce petition. Her parents and other relatives insisted her to rejoin the company of her husband, but the petitioner No.1 is not willing to live with the husband, therefore, she left the house of her parents on 10.08.2020 and came to reside with petitioner No.2. The petitioners allegedly entered into a written agreement and executed a “Deed of Live-in Relationship” on 13.09.2020 (Annexure P-3). It is specifically pleaded that as petitioner No.1 is still legally wedded wife of respondent No.4, however, after obtaining the divorce, the petitioners would solemnize the marriage. According to petitioners, the private respondents extended threats to the petitioners and therefore, they submitted a representation dated 15.09.2020 (Annexure P-4) before Superintendent of Police, Sirsa, but no action has been taken so far on their request of granting them protection. Hence this writ petition.

Learned counsel for the petitioners has contended that petitioners are major, who are in live in relationship, and the action of the respondent Nos.4 to 6 in interfering their life is violative of Article 21 Constitution of India and therefore, petitioners deserve the protection. Learned counsel has invited the attention of the Court to the written agreement executed between the parties to contend that once the petitioner No.1 has decided to sever her relations with respondent No.4, the interference by private respondents in their life is illegal. He submits that the father of petitioner No.1 is also supporting respondent No.4, therefore, the necessary directions be issued.

finds that the petitioner No.1, had a love affair with petitioner No.2 prior to her marriage with respondent No.4, but she had accepted her marriage with respondent No.4, which admittedly has not been dissolved so far. The allegations leveled on behalf of petitioner No.1 against respondent No.4 and her parents are general in nature and are not worth acceptance, which are not supported by any convincing material.

During the course of hearing, it is not disputed by learned counsel that no complaint whatsoever was ever made by petitioner No.1 against her husband. He further concedes that the elder son who is eight years old is residing with his father, whereas the younger son is residing with the mother. Further, careful examination of the alleged deed of live-in relationship reveals that petitioner No.1 has openly declared her love affair with petitioner No.2 during subsistence of her marriage with respondent No.4. The paragraph No.4 of the deed dated 13.09.2020 contains a declaration by the parties, which reads as under:-

“That both the parties herein declare that they are signing this deed live in relationship with their free consent and full understanding and henceforth both the parties shall have live in relation, and further agree that they shall not take or initiate any court proceeding i.e. rape, domestic violence or any other matrimonial dispute against each other in future.”

The above declaration makes it abundantly clear that the petitioner No.1 has recommenced her relations with petitioner No.2 and their live-in relationship cannot be treated as a legitimate one, as it amounts to “adulterous co-habitation”. The representation submitted by the petitioners to respondent No.2 does not reveal the manner and mode of alleged threat extended to the petitioners. The above facts and circumstances of the case clearly establish that the petition has been filed without a justifiable cause 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.25,000/- to be deposited with District Legal Services Authority, Sirsa.

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

(MANOJ BAJAJ)
JUDGE

07.10.2020
vanita

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