

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

CRWP-8079-2020

Date of decision-07.10.2020

Kirandeep Kaur and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Neeraj Jain, 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 to protect their life and liberty and further for restraining the respondent Nos.4 to 6 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.1 and her in-laws, the same was not accepted by respondent Nos.5 and 6 (mother in-law and sister in-law, respectively). It is categorically pleaded that the petitioner No.1 was previously married with respondent No.4, however, their marriage was dissolved by way of Panchayati divorce. As per the pleadings, the private respondents extended threats to the petitioners in case Kirandeep Kaur continues with her relations with petitioner No.2. The petitioners gave representation dated 29.09.2020 (Annexure P-5), in this regard, but no action has been taken on the same therefore, the present petition has been filed by them with a prayer for providing protection to them.

Learned counsel for the petitioners contends that the petitioners

the private respondents is not justified, particularly when the marriage between the petitioner No.1 and respondent No.4 stands dissolved. He has invited the attention of the Court to the said Panchayati divorce/undertaking dated 19.09.2020 (Annexure P-3), which is in the form of affidavit of respondent No.4. Learned counsel has prayed that as the police is not taking any action on their representation, therefore, the necessary directions be issued.

After hearing learned counsel for the petitioners, this Court finds that the marriage between petitioner No.1 and respondent No.4 has not been dissolved in accordance with law and the alleged Panchayati divorce/undertaking by both the parties is not sufficient to establish the dissolution of marriage. During the course of hearing, it is not disputed by learned counsel that two years old son of petitioner No.1 is residing with the father (respondent No.4). The alleged affidavit of respondent No.4 contains his no objection, in case petitioner No.1 enters into another marriage with any person, therefore, the ground for protection as pleaded by petitioners is not worth acceptance. Apart from it, 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 petitioners have invoked the extra ordinary writ jurisdiction of this court without a justifiable cause of action and therefore, this Court finds it to be a fit case for imposition of costs.

Resultantly, 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, Sri

Chief Judicial Magistrate, Sri Muktsar Sahib 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