

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

**CRWP-8600-2020 (O&M)
Date of decision-20.10.2020**

Rani and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajat Dogra, Advocate for
Mr. K.S.Brar, 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.1 to 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 Rani (petitioner No.1) was married with Satpal Singh (respondent No.4) in October, 2017. She found that her husband is alcoholic, who used to beat her. Out of this wedlock, one daughter was born. Her husband threw her out of the matrimonial home, therefore, she came to her parental house with her minor daughter. The petitioner No.1 came in contact with petitioner No.2, namely, Om Parkash, and developed intimacy and are residing together in live-in relationship with her child. According to the pleadings, petitioners decided to live together, but brothers of petitioner No.1 and her husband (private respondents) turned against their alliance. The petitioners apprehend that the private respondents would cause harm to them, therefore, they submitted a representation dated 09.10.2020 (Annexure P-3) to Senior

Superintendent of Police, Fazilka, whereupon no action has been taken. 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. He submits that the petitioners are facing threats at the hands of private respondents and though in this regard a representation was given to the respondent No.2, however, the same has not been looked into so far, therefore, the petitioners have approached this Court to seek protection of their life and liberty. He prays that appropriate direction be issued.

After hearing, learned counsel for the petitioners, this Court finds that the petitioner No.1 is already married, who has now entered into relations with petitioner No.2 without dissolution of marriage. 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. A perusal of the pleadings shows that petitioner No.1 has entered into 'unholy alliance' with petitioner No.2 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 petition is not founded on a convincing cause of action and amounts to misuse of 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

with costs of Rs.25,000/- to be deposited with District Legal Services Authority, Fazilka.

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

(MANOJ BAJAJ)
JUDGE

20.10.2020
vanita

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