

CRWP-9883-2020 (O&M)

Through video conference

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

**CRWP-9883-2020 (O&M).
Decided on: December 15, 2020.**

Pooja and another

.. Petitioners

VERSUS

State of Haryana and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Pardeep Panwar, Advocate,
for the petitioners.**

JASGURPREET SINGH PURI, J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the official respondent Nos.2 and 3 to protect the life and liberty of the petitioners and to not allow the private respondent Nos.4 to 6, to interfere in the peaceful life of the petitioners.

The facts which have come forth from the contents of the petition and the arguments raised by the learned counsel for the petitioners are that petitioner No.1 namely Pooja whose date of birth is

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1.1.1993 is a major is already married to respondent No.4. Petitioner No.2 Mandeep Kumar whose date of birth is 14.11.1996 is also married with respondent No.5 and therefore, both the petitioners are married somewhere else but after leaving their spouses they are now having a live-in relationship with each other and living somewhere else.

Para 6 of the petition would reveal that both the petitioners have decided to live together in the status of live-in relationship. The marital status of both the petitioners is that their marriages are still in subsistence and despite the subsistence of their earlier marriages, they are living with each other as spouses.

Learned counsel for the petitioners has argued that both the petitioners have a threat at the hands of their spouses i.e. respondent Nos.4 and 5.

I have heard the learned counsel for the petitioners.

A bare perusal of the petition as well as the submissions of the learned counsel for the petitioners would show that the allegations contained in the petition are not only vague but also lack material particulars. The jurisdiction of the High Court under Article 226 of the Constitution of India cannot be invoked just on the drop of a hat by merely alleging that their respective spouses are harassing them and are trying to kill them which are totally vague as neither any specific incident nor any date, time or place of occurrence has been mentioned anywhere. Apart from this, in the present petition, a representation has been attached as Annexure P3 which is purported to have been given to the Senior

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Superintendent of Police, Kurukshetra. A perusal of the aforesaid representation would also show that it is totally vague and it only says that the petitioners are in live-in relationship with each other and they are getting threats from the private respondents. Not only this, there is nothing on the record to show that as to whether such a representation has actually been given to the Senior Superintendent of Police, Kurukshetra, or not. There is neither any diary number nor any proof of registered post nor any other proof to show as to whether such a representation was actually given or not.

It is settled law that it is the duty of the State to protect the life and liberty of its subjects as the fundamental right granted under Article 21 of the Constitution of India, needs to be protected. In **Lata Singh Vs. state of U.P. And another, 2006 (3) RCR (CrL) 870**, the Hon'ble Supreme Court while dealing with the issue of inter-caste marriage between a boy and a girl observed that when a boy and a girl are major, the couple should not be harassed by anyone nor subjected to threats or acts of violence and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is to be taken to task by instituting criminal proceedings by the police against such persons and further steps are required to be taken against such persons as provided by law. However, the present case does not deal with the issue of marriage between the petitioners but the petitioners are already married to separate persons somewhere else and are now staying in live-in relationship with each other. In case there is any apparent and active threat

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and the matter has been reported to the police but the police does not take any action, then certainly the matter can be considered in the light of the same. The pleadings are totally vague and are not specific and does not inspire confidence as to how the petitioners are apprehending threat by just making a bald allegation against their spouses that they are threatening the petitioners.

Apart from the same, since there is nothing on the record to show that the petitioners have approached the police before filing the present petition, the present petition would not be maintainable. The so called representation which has been attached by the petitioners with the present petition as Annexure P3, does not show that it has been actually given to the police for taking further action.

In view of above, I do not find any merit in the present petition and therefore, the same is hereby dismissed. However, in case in future the petitioners have any real and apparent threat, they can certainly approach the concerned Police Station at the first instance in a proper manner for the redressal of their grievances.

December 15, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No