

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

109

CRWP-2633 of 2019.

Date of Decision: 07.01.2020.

Amisha and another

....Petitioners.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tarun Sharma, Advocate for the petitioners.

Suvir Sehgal, J.(Oral)

Petitioner No.1, Amisha, aged 20 years and petitioner No.2, Rahul Grover, aged 22 years, have filed the instant petition seeking issuance of writ in the nature of Mandamus for directing official respondents No.1 to 3 for protecting their life and liberty as they apprehend eminent danger from respondents No.4 and 5.

Facts, in brief, are that petitioner No.1 is married to one Rahul Chhabra, who, she claims, had tortured, harassed her and turned her out from the matrimonial home. She further claims that even her parents did not allow her to enter her parental home and petitioner No.2 provided her shelter. Thereafter, both of them developed intimacy and started living together in a live-in relationship. She claims that her husband gave her Panchayati divorce and she now wants to marry petitioner No.2. However, this relationship is not acceptable to her parents-respondents No.4 and 5.

Apprehending threat from them, the petitioners submitted representation dated 24.12.2019 (Annexure P-3) to the police authorities seeking protection and thereafter they have filed the instant petition.

Learned counsel for the petitioners has been heard.

Petitioner No.1 is a married woman. She claims that her husband had given her Panchayati divorce. However, nothing has been placed on the record to show that any such divorce has been granted by the Panchayat. Moreover, she has failed to plead that any custom or usage of divorce through Panchayat is prevalent in her husband's or her community. In the absence of any pleadings or documents, it is not possible to hold that the so-called 'Panchayati divorce' (if any) between petitioner No.1 and her husband is valid.

It is, therefore, clear that marriage between petitioner No.1 and her husband Rahul Chhabra, still subsists and has not been dissolved. Despite this, petitioner No.1 is staying in a live-in relationship with petitioner No.2. Such a relationship has not been approved of by this Court in **CWP No.26067 of 2019** titled as '*Seema and another Vs. State of Punjab and others*' decided on 16.09.2019. Still further, apprehension of threat from respondents No.4 and 5 is not supported from the material on record.

In this view of the matter, the writ petition cannot be entertained and is accordingly dismissed.

(SUVIR SEHGAL)
JUDGE

07.01.2020
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No