

CRWP-408-2021

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

CRWP-408-2021

Date of Decision: 18.01.2021

Vishal Masih and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravi Dutt Sharma, Advocate,
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through Video Conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to protect the life and liberty of the petitioners at the hands of respondents No.3 to 9.

Learned counsel for the petitioners contends that on 23.10.2017, when petitioner No.2 was a minor, her marriage was solemnized with respondent No.3 without her consent and even she was forced to develop physical relations with respondent No.3 following which a male child was born to her on 16.06.2018. However because of the mental and physical harassment caused by respondent No.3 and his family members, petitioner No.2 left her matrimonial house on 12.05.2020 and started living at her parental house. During her stay at her parental home,

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provided help and moral support to her and due to that reason, they have developed liking for each other. He further contends that respondent No.3 had filed a divorce petition against petitioner No.2 for dissolution of marriage, which is pending adjudication. The learned counsel, thus, prays to protect the life and liberty of the petitioners at the hands of the private respondents, who are family members of petitioner No.2.

On the other hand, learned State counsel opposes the prayer made in the present petition.

I have heard the learned counsel for the parties.

A Division Bench of Allahabad High Court in the case titled as '*Akhlesh and another Vs. State of U.P. and others*' decided on 25.02.2020 and a Single Bench of Allahabad High Court in the case titled as '*Kusum and another Vs. State of U.P. and others*' decided on 09.11.2016, held that in the cases where any of the petitioners has not obtained divorce from his/her spouse, no protection can be granted.

In the present case also, petitioner No.2 has not obtained any divorce from her husband-respondent No.3, and a divorce petition between them is still pending.

In view of the above, the present petition is dismissed, as no ground is made out to allow the prayer made in the petition.

18.01.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No