

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1069-2021 (O&M)

DATE OF DECISION: APRIL 28, 2021

RAJNI RANI & ANOTHER
VERSUS

...PETITIONERS

STATE OF PUNJAB & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VINAY KUMAR MALHOTRA, ADVOCATE
FOR MR. SUMIT VERMA, ADVOCATE
FOR THE PETITIONERS.

MR. SAURAV KHURANA, DAG, PUNJAB.

NONE FOR RESPONDENTS NO.4 & 5.

MANOJ BAJAJ, J.(ORAL)

CRM-W-160-2021

Learned counsel for the applicants-petitioners submits that on 2.3.2021, though the present application alongwith the main case was adjourned for today, but in view of the administrative order dated 27.4.2021, passed by this Court, only the application has been listed. He prays that as the relief claimed in the application is similar to the relief claimed in the main case, therefore, main case be also taken up for final disposal.

Learned State counsel has not raised any objection to the aforesaid oral request made by learned counsel for the applicants-petitioners.

Accordingly, the main case is also taken up for final disposal.

CRWP-1069-2021

The petitioners have invoked the writ jurisdiction of this Court under Article 226 Constitution of India and seek a writ of mandamus by way of directions to respondents No.1 to 3 to protect their life and liberty, as they apprehend danger from private respondents No.4 to 8, who are opposing their matrimonial alliance.

The facts in brief leading to the writ petition are that the petitioners met each other through a common friend, who developed intimacy and decided to marry. In this regard, the petitioners approached respondents No.4 to 8 who opposed the proposal and turned down their request of marriage, as private respondents intended to marry petitioner No.1 with a boy of their choice. Finally, on 29.1.2021, the petitioners solemnized marriage at Gurudwara Shri Singh Sabha Sahib Ji, Kasba Rurki, (Bahadurgarh), District Patiala and when respondents No.4 to 8 learnt about it, they alongwith other close relatives started issuing threats to eliminate the newly wedded couple. The petitioners apprehending threat to their life, submitted a representation (Annexure P-4) to the Sr.Superintendent of Police, Patiala on 29.1.2021 itself, however, till date no protection has been provided to the petitioners. Hence, this writ petition.

On 4.2.2021, notice of the petition was issued to the official respondents only, and upon accepting it in Court, the learned State counsel had sought time to verify the facts and existence of the alleged threat.

On 2.3.2021, reply by way of affidavit of Rajesh Kumar Chhibber, PPS, Deputy Superintendent of Police, Circle Nabha, District Patiala, was filed by learned State counsel, wherein it is mentioned that the

private respondents made their respective statements (Annexure R-1/T to R-5/T) on 9.2.2021 and stated that neither they gave any threat to the petitioners nor will they cause any loss to their life and liberty. However, on the said date, Mr. Anil Kumar, Advocate, learned counsel for respondents No.4 and 5 had stated that a similar petition filed by petitioners before the Court of Sessions at Patiala is also listed today. Faced with this information, learned counsel for the petitioners sought time to seek instructions.

Today, learned State counsel has produced a copy of the order dated 2.3.2021, passed by the Sessions Judge, Patiala in CRM/102/2021 filed by the petitioners for protection of their life and liberty and as per the order, respondents No.4 and 5 got their respective statements recorded in the said proceedings and as they did not raise any objection to the marriage, the petitioners withdrew their petition.

At this stage, learned counsel for the petitioners prays for withdrawal of the writ petition in view of the statements of the private respondents, who are not opposing the alleged marriage of the petitioners.

Learned counsel for the parties have been heard and with their assistance, the case file has been perused carefully.

The society, for the last few years, has been experiencing profound changes in social values, especially amongst exuberant youngsters, who seldom in pursuit of absolute freedom, leave the company of their parents, etc., to live with the person of their choice and file petitions against them for protection on the ground of threat to their life and liberty.

In large number of cases, where the response of such respondents is called

for, they appear before the Court and raise no objection to the decision of the runaway couple and the petition is rendered infructuous. This shows that the filing of the petition was like any other ordinary ritual and unnecessary, but these kinds of petitions consume considerable time of the Court, that too at the cost of many other important cases waiting in line for hearing.

This criminal writ petition is also like many other similar petitions filed by the runaway couples before this Court, who seek protection for their life and liberty, and ordinarily such prayers are based on the sole ground of apprehension of threat predicted against the disapproving parents or other close relatives of the girl only, who oppose their alliance, whereas the said decision is rarely opposed by the family members of the boy. The claim in majority of such petitions is corroborated by the photographs of their sudden, secretive and small destination marriage, alongwith a copy of brief representation to the police containing formulaic request for providing security, without even mentioning the relevant particulars, muchless the manner and mode of alleged threat.

Though the aggrieved persons can also avail alternative remedy by filing a petition before the Court of Sessions, but only a few petitions are filed there and a large number of petitions land in the lap of this Court, because the writ petitioners feel the alternative remedy to be less felicitous. By now, it is a well settled law that the extra ordinary writ jurisdiction of this Court can be exercised, only if, the writ petition discloses a valid and convincing cause of action, therefore, it is imperative for the petitioners to lay a strong foundation to seek intervention of this Court, at least by *prima*

facie establishing the 'actual' and 'real' threat. Thus, the writ petitions containing formal symbolic averments, grounds and imaginary cause of action would fall short of the required standards for exercise of power under Article 226 Constitution of India.

After examining the facts of the case in hand, this Court finds that the present criminal writ petition for protection was filed by the petitioners on 2.2.2021 and it came up for urgent hearing on 4.2.2021, wherein notice of motion was issued to the official respondents for 24.2.2021. Admittedly, during the pendency of the writ petition, the petitioners filed another petition on 5.2.2021 for similar relief, bearing CRM-102/2021 before the Court of Sessions at Patiala and learned counsel for the petitioners is unable to justify the conduct of the petitioners, who adopted simultaneous remedies before different Courts for protection. The petitioners did not disclose the filing of the present writ petition before the Sessions Court and likewise, the filing of petition before the Sessions Court, Patiala was never disclosed to this Court.

The above facts and circumstances of the case clearly establish that the petitioners have acted unfairly by concealing material information from the Courts and misused the process of law. Consequently, the prayer for withdrawal of the petition is declined.

At this stage, it is relevant to observe that the belligerent re-emergence of pandemic COVID-19 has once again forced the State Governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion and in these tough conditions, the Courts are also working with lot many restrictions while

hearing the cases. Apparently, the petitioners have not only concealed the material facts, but have also wasted the precious time of the Courts, therefore, they deserve to be saddled with costs.

Resultantly, the writ petition as well as the application is dismissed with costs of Rs.30,000/- to be borne by the petitioners and it is ordered that the same be deposited with the PGIMER, Chandigarh (Poor Patient Fund) within a period of two months from the date of receipt of certified copy of this order.

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

April 28, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No