

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

CRWP-1407-2021

Date of decision:11.02.2021

Nitu and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naveen Siwach, Advocate for the petitioners.

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.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 6.

Learned counsel for the petitioners states that both the petitioners are major. However, petitioner No.1 was married to respondent No.4 about fifteen years ago and they were living as husband and wife. A child was born from the said wedlock. The family members of respondent No.4 never accepted petitioner No.1 and demanded more dowry from her family members.

Learned counsel for the petitioners contends that Nitu-petitioner No.1 came into contact with petitioner No.2, namely, Hariesh Kumar, a few months back. The petitioners being in love have been living together, but facing threats at the hands of private respondent Nos.4 to 6

and therefore, petitioners deserve the protection. He submits that a representation dated 01.02.2021 (Annexure P-2) was given to the respondent No.2-Senior Superintendent of Police, District Fatehgarh Sahib. However, the same has not been looked into so far and, therefore, the petitioners have approached this Court seeking protection to their life and liberty. He prays that appropriate direction be issued.

Notice of motion to respondents No.1 to 3 only.

On the asking of the Court, Mr. Amar Ashok Pathak, Addl. A.G., Punjab, accepts notice on behalf of the respondents-State. He 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.1 has not obtained any divorce from her husband-respondent No.4.

This Court finds that the petitioner No.1 is already married, who has now entered into relations with petitioner No.2, without dissolution of the earlier marriage. The representation submitted by the petitioners to respondent No.2 lacks material particulars and even the manner and mode of the alleged threat extended to the petitioners, has not been mentioned. Petitioner No.1 has entered into an unholy alliance with

the petitioner No.2 and the petition is based upon bald averments without any supportive material. Since the petitioners have filed this petition without a valid and convincing cause of action, therefore, the petitioners are liable to be burdened with costs.

In view of the above, this Court does not find any reason to exercise the extra ordinary writ jurisdiction. Consequently, the petition is dismissed with costs of Rs.10,000/- to be deposited with the Lawyers' Welfare Fund of this Court.

11.02.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No