

110

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

CRWP-1591-2021

Date of decision-17.02.2021

Narinder Kaur and another**...Petitioners**

Vs.

State of Punjab and others**...Respondents****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Neeraj Januha, Advocate for the petitioners.

MANOJ BAJAJ, J.

Through this writ petition, the petitioners are praying for a writ of mandamus by way of directions to the respondent Nos.1 to 3 for protecting their lives from respondent Nos.4 to 7. Further, it has been prayed that the official respondents be also directed to decide the representation dated 10.02.2021 (Annexure P-3).

The facts in brief leading to the writ petition are that Narinder Kaur (petitioner No.1) was married with Parminder Singh (respondent No.4) and the said marriage was performed under the pressure of parents of the petitioner No.1, when she was minor. Out of this wedlock, one child, namely, Jaskirat was born. Petitioner No.1 was given merciless beatings by her husband on number of occasions, however, the matter was settled with the intervention of her parents. Few days ago, petitioner No.1 was ousted from her matrimonial house and instead of putting burden upon her parents, she took help of petitioner No.2, who provided her food and shelter. As per the averments, respondent Nos.4 to 7 are threatening the petitioner No.1 and

she decided to take action against them. According to petitioners, the private respondents extended threats to the petitioners and therefore, they submitted a representation dated 10.02.2021 (Annexure P-3) to Senior Superintendent of Police, Mansa, but no action has been taken so far on their request of granting them protection. Hence this writ petition.

Learned counsel for the petitioners contends that the petitioner No.1 is ready and willing to divorce her husband (respondent No.4) and a specific pleading in this regard is made in the Paragraph 7 of the petition. He submits that though the petitioners expressed their grievance by way of representation to respondent No.2, however, till date, the petitioner are waiting for the redressal. He has prayed that as the respondent No.2 has failed to provide the protection to the petitioners, therefore, necessary directions be issued for providing protection to the petitioners.

After hearing learned counsel for the petitioners, this Court finds that on one hand, petitioner No.1 has made a specific averment that in order to save honour and reputation of the parents, she decided to live with petitioner No.2 without even mentioning about the background of her acquaintance with the petitioner No.2 and on the other hand, she has blamed her parents without even conveying her separation from husband (respondent No.4). Admittedly, her marriage with respondent No.4 has not been dissolved so far. Apart from it, the averments made in the petition as well as in the representation, lack material particulars and even the manner and mode of alleged threat extended to the petitioners has not been described. The petitioners have not produced any medical record of petitioner No.1 or complaint to substantiate the allegations of cruelty meted out to her by respondent No.4. In the given facts of this case, the relationship

of petitioner No.1 with petitioner No.2 seems illegitimate and therefore, this Court finds that the petitioner have invoked the extra ordinary writ jurisdiction without a valid and convincing cause of action.

In view of the above, this Court does not find any reason to exercise the extra ordinary writ jurisdiction and the petition is dismissed with costs of Rs.25,000/- to be deposited with Director, PGIMER, Chandigarh (For Poor Patients) within a period of two months from the date of receipt of the certified copy of this order.

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

(MANOJ BAJAJ)
JUDGE

17.02.2021
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No