

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-2987-2021

DATE OF DECISION: APRIL 27, 2021

MANPREET KAUR & ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAHUL BHARGAVA, ADVOCATE
FOR THE PETITIONERS.

MR. SAURAV KHURANA, DAG, PUNJAB.

MR. GURSHARAN SINGH, ADVOCATE
FOR RESPONDENTS NO.4 & 7.

MANOJ BAJAJ, J.(ORAL)

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.2 and 3 to protect their life and liberty, as they apprehend danger from private respondents No.4 to 14, who are opposing the matrimonial alliance of the petitioners.

The facts in brief leading to the writ petition are that the petitioners knew each other for a long time and being good friends have good understanding with each other, therefore, they decided to marry. In this regard, the petitioners spoke to their respective family members, but their proposal was opposed and turned down by them. As per pleadings, a complaint by the parents of petitioner No.1 (Manpreet Kaur) has already been given to the local police station against petitioner No.2 (Bikramjit Singh) and because the private respondents are against the decision of the

petitioners, they solemnized marriage on 21.3.2021 and since then both are living as husband and wife in the house of Bikramjit Singh. The parents of petitioner No.2 were initially hesitant, but later on consented to the relations of the petitioners, however, the parents and other relatives of petitioner No.1 are opposing it and sending threats to kill the petitioners. In respect of the alleged threats, the petitioners submitted a representation in the office of Sr.Superintendent of Police, Rupnagar on 21.3.2021 itself, whereupon no decision has been taken so far. The copies of the marriage certificate and representation are annexed as Annexure P-3 and P-5, respectively. The petitioners have prayed that the necessary directions be issued to respondents No.2 and 3 to protect their life and liberty.

On 25.3.2021, notice of the petition issued to the official respondents only was accepted by learned State counsel in the Court, who sought time to verify the facts and existence of the alleged threat.

Today, learned State counsel assisted by Mohinder Pal, ASI has filed a status report by way of affidavit of Talwinder Singh Gill, PPS, Deputy Superintendent of Police, Rupnagar, District Rupnagar. As per the stand of the official respondents, the facts pleaded by the petitioners were looked into by way of an inquiry and it was found that the petitioners being first cousins fall within the definition of 'Spinda Relationship', as their respective mothers are real sisters. As per reply, the petitioners had solemnized marriage on 18.2.2021 at Sri Sita Ram Temple, Sri Chamkaur Sahib, District Rupnagar and had also filed CRM No.74 dated 19.2.2021 before the Sessions Court, Rupnagar seeking protection of their life and liberty from respondents No.4, 6 and 7. The said petition for protection was

dismissed for non-prosecution vide order dated 15.3.2021 (Annexure R-1).

At this stage, learned counsel of respondent No.4 and 7, i.e. father and uncle respectively of Manpreet Kaur while reiterating the above stand of the official respondents further contended that the petitioners are related to each other as sister and brother, who have concealed material facts from this Court. According to the learned counsel for the respondents, the petition deserves to be dismissed on this ground alone.

The advance copy of the reply stood supplied to the learned counsel for the petitioners, who is unable to refute the above stand of the respondents and states that the petitioners never disclosed the above relevant facts to him. Learned counsel for the petitioner has invited the attention of the Court to the affidavit sworn by Manpreet Kaur in support of the petition, to contend that the petition was drafted on her instructions.

After hearing the learned counsel for the parties, this Court finds that the petitioners though have claimed in the writ petition to be matured law abiding citizens, but they have deliberately suppressed important relevant facts from this Court. Not only, the true and actual relationship between the petitioners has been concealed in the petition, but their previous unsuccessful attempt to seek protection before the Sessions Court, Rupnagar has also not been disclosed. Here it will be useful to extract the observation of the Court of Sessions, Rupnagar in its order dated 15.3.2021, which reads as under:-

“Pandit Bhola Jha has come present and made a statement that on 18.2.2021 marriage of Manpreet Kaur and Bikramjit Singh was performed by him and he had issued the marriage certificate. However, they have not

disclosed to him that they are first cousins and they have concealed this fact from him and due to misrepresentation of facts, he had issued the marriage certificate.

Sh. Ashish Kumar, Adv. and Sh. R.S.Sohi, Adv. representing the petitioners have made a statement that they had no instructions to appear in this petition of behalf of petitioners and therefore, they hereby withdraw their power of attorney. Case called several times during the day, but neither petitioners nor any other counsel has appeared on their behalf. It is already 3.30 PM. So, the present petition stands dismissed in default for want of prosecution. The order dated 19.2.2021 granting protection to the petitioners stands ceased to operate. Copy of this order be sent to the office of SSP, Rupnagar and District Magistrate, Rupnagar for information. File be consigned to Record Room.”

Strangely, the petitioners have pleaded two different dates of marriage in both the petitions filed before the Sessions Court and this Court, and it shows that they have intentionally tried to mislead the Courts.

The writ petition contains the date of marriage of the petitioners as 21.3.2021, whereas the certificate of marriage Annexure P-3 shows that the alleged marriage was performed on 20.3.2021 at Pracheen Guga Mari Rama Krishna Mandir, Sector 19, Chandigarh. Further, a perusal of the representation dated 21.3.2021 indicates that the petitioners in their request for providing protection have also concealed the relevant facts. The different dates and places of alleged marriage pleaded by the petitioners makes their alliance iniquitous, illegitimate and irreligious which also lacks the statutory sanctity, therefore, the same is discarded.

The above facts and circumstances of the case clearly establish that the petitioners have tried to mislead the Court for obtaining favourable orders by concealing material facts and have, therefore, abused the process of law. The specific averment made by the petitioners in the writ petition that except for invoking the writ jurisdiction, they do not have efficacious alternative remedy, is apparently false. As due to pandemic COVID-19, when the Courts are working with lot many restrictions while hearing the cases, the petitioners, by not approaching this Court with clean hands, have wasted the precious time of the Court, which amounts to misuse of the process of law, therefore, the petitioners deserve to be burdened with costs.

Resultantly, the writ petition is dismissed with costs of Rs.50,000/- 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, Rupnagar shall ensure the recovery and deposit of the costs.

April 27, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No