

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

CRWP-3045-2021 (O&M)

Date of decision: 25.03.2021

Jaswinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajender Kumar, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226/227 of the Constitution for issuance of a writ in the nature of mandamus directing respondent No. 2 to protect the life and liberty of the petitioner at the hands of the private respondents, who are bent upon to kill her as she does not want to live with respondent No.7.

Learned counsel for the petitioner submits that on 21.10.2020, when the petitioner was a minor, her parents (respondent Nos.4 and 5) married her off with respondent No.7, against her wishes. The petitioner tried her level best to persuade her parents that she did not want to live with respondent No.7, but her requests fell to deaf ears and rather her parents had threatened her with dire consequences. The petitioner left her home and started living with her friend, but the private respondents did not like the same and in order to save herself, she went away and started residing at some other place.

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

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG,

Punjab, accepts notice on behalf of the respondents No. 1 to 3- State.

I have heard the learned counsel for the parties.

It is the specific case of the petitioner that having no other option, she left her home on 21.03.2021 and started residing with her friend in the village.

The petitioner has failed to produce any document to show that she has obtained a divorce, in accordance with law, from her husband. The petitioner has filed this petition without a valid and convincing cause of action. Therefore, the petitioner deserves to be burdened with costs.

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 the divorce from his/her spouse, no protection can be granted.

In view of the above, this Court does not find any reason to exercise the extraordinary writ jurisdiction. Consequently, the petition is dismissed with costs of Rs.25,000/- to be deposited with the District Legal Services Authority, Fazilka.

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

25.03.2021

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No