

113 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRWP-3306-2021
Decided on : 07.04.2021

Gunjan and another

..... Petitioners

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Kamboj, Advocate
 for the petitioners.

Manjari Nehru Kaul, J.(Oral)

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India is for issuance of directions to respondents No.2 and 3 to provide the protection of life and liberty to the petitioners, who apprehend threat at the hands of private respondents.

Learned counsel for the petitioners submits that petitioner No.1 is a married woman whereas petitioner No.2 has never been married before. It has been further submitted that private respondents including the husband of petitioner No.1, arrayed as respondent No.4, are averse to their live-in-relationship and have been threatening them of dire consequences over the phone ever since 20.03.2021 i.e. the date when petitioner No.1 left her matrimonial home to start living with petitioner No.2.

Heard.

At the outset, this Court would refrain from commenting on the live-in-relationship of the petitioners as admittedly the marriage of

petitioner No.1 is still subsisting with respondent No.4. It is the admitted case of the petitioners that they have been in a live-in-relationship only since 20.03.2021 and had sent a representation dated 30.03.2021 (annexure P-3) to respondent No.2 – Superintendent of Police, Sirsa on 30.03.2021.

Undoubtedly, this Court cannot and would not be a mute spectator wherein the threat perception actually exists and is real. It however, needs to be emphasised that the first recourse available to runaway couples including couples who may be in a live-in-relationship and may be facing threats to their life and liberty, would be to approach the nearest police station or in the alternative make an appropriate representation to the Superintendent of Police/Sr. Superintendent of Police of the district concerned, as the case may be. If the authorities concerned to whom the representation or complaint has been made with respect to the alleged threat perception do not initiate any appropriate action and the threat continues to loom large, it is only then that the parties should approach this Court as a last resort. Needless to add, the inherent jurisdiction of this Court should not be mechanically invoked where provisions to redress a grievance already exist under the provisions of law.

Adverting to the case in hand, on a pointed query put to the learned counsel as to whether the petitioners had approached the nearest police station with a complaint qua the threats being faced by them, he replied in the negative. However, he invited the attention of this Court to representation dated 30.03.2021 (Annexure P-3) and submitted that despite the aforementioned representation having been given to the authorities, they had been sitting over the matter. This Court on a further query put to the

learned counsel as to the mode through which the representation had been sent to respondent No.2, submitted that it had been sent through registered post. However, he failed to support his submissions by producing or placing on record any receipt, postal or otherwise.

In view of the above, the present petition stands dismissed. However, petitioners are at liberty to avail of alternate remedies as may be available to them under the provisions of law.

This Court of late has been flooded with a number of such petitions seeking issuance of directions to the official respondents to protect the life and liberty of runaway couples and even in some cases of couples in live-in-relationships. This Court would want to observe that it has become absolutely difficult to segregate genuine cases from frivolous ones and to ascertain whether such representation to the police officials concerned, have actually been made or not, since in a large number of cases this Court has been apprised by the State counsel that the representations annexed with the petitions were never received by the official respondents, hence it was not possible for the authorities concerned to act upon them. This without a doubt amounts to playing a fraud upon this Court.

In view of the aforementioned observation, this Court directs the Registry of this Court to make it mandatory that in all such petitions for protection of life and liberty, where purportedly representations to the authorities concerned have been made and annexed with the petitions, postal or courier receipts as the case may be, be annexed with the petition. Furthermore, if the case of the petitioners is that the representation has been made by hand to the authorities concerned, then in that eventuality the

acknowledgment receipt of the representation so made should also form part of the petition. In the absence of any such receipts being annexed with the petition, a big question mark would arise as to whether a representation has even been made.

Copy of this order be sent to the Registrar General of this Court for necessary compliance.

(MANJARI NEHRU KAUL)
JUDGE

07.04.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No