

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

CRWP-3413-2021

Date of decision-08.04.2021

Rakesh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sushil K.Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

By means of this writ petition under Article 226 Constitution of India, petitioner seek a writ of mandamus by way of direction to official respondent Nos.2 and 3 to protect his life and liberty from respondent Nos.4 and 5 as petitioner is living in live-in-relationship with daughter of respondent No.5.

As per the averments, petitioner is living in live-in relationship with Mangal daughter of Raj Kumar. Mangal was previously married to one Sunil Kumar on 22.02.2014 and out of this wedlock, one child was born. Due to some reason, dispute arose between them and one case under Section 302 IPC was registered against Sunil Kumar, therefore, Mangal left her matrimonial house and joined the company of petitioner. As per the pleadings, private respondents, who are father and brother of Mangal are against her relationship with petitioner and despite representation (Annexure P-4),

no protection has been provided to the petitioner. Hence this writ petition.

Learned counsel for the petitioner has argued that though Mangal is already married to Sunil Kumar and has a child but she is willing to reside with the petitioner in live-in relationship. In this regard, he has invited the attention of the Court to her affidavit (Annexure P-3), wherein she has expressed her desire to stay with the petitioner in live-in relationship. Learned counsel contends that her child is with the father and since the parents of Mangal are opposing their relationship, therefore, she deserves protection. He has invited the attention of the Court to representation dated 18.03.2021 (Annexure P-4) to contend that no action has been taken upon the same, therefore, he prays for issuance of necessary direction.

After hearing learned counsel for the petitioner, this Court finds that the case of the petitioner is founded on the desire of Mangal, who wishes to stay with him in live-in-relationship, but she has not joined the petitioner in this petition as a co-petitioner. Besides, the representation given by the petitioner is lacking in material particulars and the contents do not inspire any confidence. Even otherwise, the facts and circumstances of the case clearly indicate that the marriage of Mangal and Sunil Kumar has not been legally dissolved, therefore, the petitioner has no legitimate right to seek intervention of the Court as prayed for. Apparently, the petition is without a valid cause of action,

therefore, the petitioner deserves to be burdened with costs.

In view of the above, the petition is dismissed with costs of Rs.20,000/- to be deposited with Prime Minister National Relief Fund within a period of two months from the date of receipt of the certified copy of this order.

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

(MANOJ BAJAJ)
JUDGE

08.04.2021

vanita

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