

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

CRWP-3976-2021

Date of decision-28.04.2021

Jaspreet Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malik, Advocate for
Mr. Mohan Singh Rana, Advocate for the petitioner.

MANOJ BAJAJ, J.

Through this writ petition, the petitioner is praying for a writ of mandamus by way of directions to the respondent Nos.1 to 3 to protect her life and liberty as she apprehends danger from respondent Nos.4 and 5, as they are interfering in her life.

The facts in brief leading to the writ petition are that Jaspreet Kaur (petitioner) was married to Angrej Singh (respondent No.4) in the year 2007. She found that her husband is alcoholic, who used to beat her & threatened to throw her out of the matrimonial house. Therefore, in March 2020, petitioner left the company of her husband and as her parents also refused to give her shelter and forced her to live with respondent No.4. The petitioner is now residing with a person, namely, Rajinder Singh son of Pala Singh, in live-in relationship at Fazilka. According to the pleadings, as petitioner is

living with Rajinder Singh, therefore, private respondent Nos.4 and 5 (who are husband and father-in-law of petitioner) turned against their alliance. The petitioner apprehends that the private respondents and her family members would cause harm to her and Rajinder Singh, therefore, she submitted a representation dated 20.04.2021 (Annexure P-2) to Superintendent of Police, Fazilka, whereupon no action has been taken. Hence this writ petition.

Learned counsel for the petitioner contends that due to the harassment and ill-treatment of the respondent No.4, there were compelling circumstances for petitioner to leave the company of her husband. It is pointed out that the private respondent Nos.4 and 5 and parents of petitioner may cause harm to her and Rajinder Singh, with whom the petitioner is residing in live-in relationship. He further submits that the petitioner is facing threats from private respondents and though in this regard a representation dated 19.04.2021 (Annexure P-2) was given to the respondent No.2, however, the same has not been looked into so far, therefore, she has approached this Court to seek protection. He prays that appropriate direction be issued.

After hearing, learned counsel for the petitioner, this Court finds that the petitioner is already married, who has now entered into relations with Rajinder Singh, without dissolution of her marriage. During the course of hearing, it is not disputed by learned counsel that no complaint whatsoever was ever made by petitioner against her

husband. It is also not disputed by learned counsel that two children of petitioner are residing with the father (respondent No.4). Apart from it, the representation submitted by the petitioner to respondent No.2 does not reveal the manner and mode of alleged threat extended to the petitioner.

The above facts and circumstances of the case clearly establish that the petition is not founded on a convincing cause of action and amounts to misuse of the process of law, therefore, the petitioner deserve to be burdened with costs.

In view of the above, the petition is dismissed with costs of Rs.25,000/- to be deposited with Director, PGIMER, Chandigarh (For COVID Patients) within a period of two months from the date of receipt of the certified copy of this order.

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

(MANOJ BAJAJ)
JUDGE

28.04.2021

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