

126

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4024-2021

Date of decision-28.04.2021

Sahil and another

...Petitioners

Vs.

U.T.Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Hitesh Chopra, Advocate for the petitioners.

Mr. Shashank Bhandari, Addl.P.P.U.T.Chandigarh.

MANOJ BAJAJ, J. (Oral)

By means of this writ petition under Article 226 Constitution of India, petitioners seek a writ of mandamus by way of direction to official respondent Nos.1 to 4 to protect their life and liberty from respondent Nos.5 to 8, as petitioners have solemnized marriage on 20.04.2021 against their wishes.

The facts in brief leading to the writ petition are that the petitioners fell in love with each other and decided to marry, but private respondent Nos.5 to 8, who are parents, brother and other relative of petitioner No.2, were against their relationship as they wanted to solemnize her marriage with a boy of their own choice. On 20.04.2021,

petitioners solemnized marriage at Sh.Balaji Jyotish Mandir, Mata Mansa Devi Market, Sector-4, Panchkula and in this regard the photographs (Annexure P-6) are appended with the petition. As per the pleadings, petitioners have apprehension that private respondents will implicate them in a false case, therefore, they sent representation dated 20.04.2021 (Annexure P-7) to Senior Superintendent of Police, Chandigarh and Senior Superintendent of Police, Kangra, but no action has been taken upon the same, so they have approached this Court with a prayer to provide them protection.

Learned counsel has argued that as the petitioners have performed marriage against the wishes of the private respondents, therefore, they have apprehension that they would cause harm to them and despite a representation given to Senior Superintendent of Police, Chandigarh and Kangra, the grievance of the petitioners has not been redressed. He prays for issuing necessary directions.

During the course of hearing, it is not disputed by learned counsel that private respondents are resident of Kangra, Himachal Pradesh, which is situated at a far away place from the present place of residence of the petitioners. Even otherwise, it is apprehended by petitioners that private respondents may lodge a false case against the petitioners and even if they do so, it cannot be construed as a threat to the petitioners, as the private respondents are well within rights to avail

their remedy.

Apart from it, the representation submitted by the petitioners to respondent Nos.2 and 3 also lacks material particulars and does not reveal the manner and mode of alleged threat extended to the petitioners. 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 petitioners deserve to be burdened with costs.

In view of the above, the petition is dismissed with costs of Rs.10,000/- 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, Chandigarh 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