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

CRWP-4812-2021

Date of Decision: 26.05.2021

Ramandeep Kaur and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Paras Jagga, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

The petitioners have invoked the writ jurisdiction of this Court under Article 226 Constitution of India for issuance of a writ of mandamus by way of directions to official respondents No.2 and 3 for providing protection to their life and liberty, as they apprehend danger from private respondents No.4 to 8, who are opposing their marriage.

Briefly, the facts pleaded in the writ petition are that the petitioners are major, who fell in love with each other and decided to marry. In this regard, they talked to the family members of petitioner No.1, but their proposal was opposed by them (private respondents No.4 to 8). As a result of that, they performed marriage on 12.05.2021 at Gurudwara Dashmesh Pita Patshahi Dasvi, Village Singha Devi, Tehsil Kharar, Mohail against the wishes of private respondents. After their marriage, the petitioners are receiving serious threats to their life and liberty from the family members of petitioner No.1 and in this regard, they submitted a representation dated 12.05.2021 (Annexure P-5) to the Senior Superintendent of Police, Sangrur.

It is prayed that the petitioners be provided protection.

Learned counsel for the petitioners has argued that though the proposal of marriage was discussed with the private respondents, but they remained adamant on their decision and turned down the request of the petitioners and faced with the situation, they had no alternative, but to perform marriage against their wishes. He submits that though the representation has been given to respondent No.2, but till date no protection has been provided to the petitioners, therefore, necessary directions be issued for providing protection to them.

After hearing the learned counsel for the petitioners, this Court finds that the averments contained in the petition lack the material particulars and do not reveal the manner and mode of alleged threat extended to the petitioners. The petitioners have expressed an apprehension that the private respondents may falsely implicate the petitioners in some criminal case and in the considered opinion of this Court, this apprehension is misplaced, as admittedly, no complaint has been made so far against them by the private respondents. Even, if it is assumed, that a complaint is given to the police by any of the private respondents against the petitioners, then it cannot be construed as threat to their life and liberty, as private respondents are also free to avail their remedy in law in case, they feel that some offence has been committed.

During the course of hearing, it is not disputed by learned counsel for the petitioner that previously on the same cause of action, the petitioners had filed CRWP-4540-2021 and as the Court was not inclined to interfere, the counsel representing the petitioners had chosen to withdraw the writ petition on 18.05.2021.

Apparently, the petitioners have unnecessarily filed this second

petition on the same cause of action without any change in facts and circumstances, thus they have not only misused the process of law, but have also wasted the precious time of Court.

In view of the above, this Court does not find any reason to exercise the extra ordinary writ jurisdiction and the petition is dismissed with a cost of Rs.10,000/- to be deposited with the Director, PGIMER, Chandigarh (for COVID Patients) within a period of two months.

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

26.05.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No