

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Writ Petition No.5161 of 2021

Date of Decision: July 27, 2021

Anita & another

...Petitioners

Versus

State of Punjab & others

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Upadhyay, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

The petitioners have invoked the writ jurisdiction of this Court under Articles 226/227 Constitution of India and seek a writ of mandamus by way of directions to respondents No. 1 to 3 to protect their life and liberty, as they apprehend danger from private respondents No.4 to 8, who are interfering in the peaceful life of the petitioners.

Learned counsel for the petitioners has argued that the petitioners want to marry as they fell in love with each other, but respondent Nos.4 to 7 are against their decision. He submits that though petitioner No.2 is already married, but he has filed a divorce petition bearing No.HMA/155/2021 before the Family Court, Ludhiana against his wife, which is still pending. He contends that the private respondents and other relatives of petitioner No.1 are extending threats to the petitioners and even on 29.05.2021, they were attacked by some persons, who are known to the respondents, and in this regard, the petitioners moved representations dated 21.05.2021 and 30.05.2021 (Annexures P-3 and P-4) to the Commissioner of Police, Ludhiana, but no action has been taken thereon. It is pointed out

that the petitioners had earlier filed a protection petition, but the same was withdrawn on 26.05.2021 (Annexure P-5). It is prayed that the necessary protection be granted to them.

After hearing the learned counsel for the petitioners, this court finds that the grounds as pleaded by the petitioners in the petition for grant of protection, are neither substantiated by any material nor any alternative remedy was adopted, but they have chosen to once again approach this court without any cause of action. No medical record with regard to the alleged injuries suffered by the petitioners has been produced, and no details such as the names, other description of the assailants have been mentioned either in the petition or in the representation. Further, the averment that no action was taken by police upon the complaint of the petitioners does not appear to be true, as no copy of complaint is annexed with the petition.

Resultantly, the writ petition is dismissed with costs of Rs.25,000/- to be borne by the petitioners and it is ordered that the same be deposited with the PGIMER, Chandigarh (Poor Patient Fund) within a period of two months from the date of receipt of certified copy of this order.

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

July 27, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No