

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-5272-2021

DATE OF DECISION: JUNE 10, 2021

HARPREET KAUR & ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SWARN TIWANA, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioners have filed this petition under Article 226 Constitution of India for issuance of directions to respondents No.2 and 3 to protect their life and liberty, as they apprehend danger from respondents No.4 to 8, who are against the relations of the petitioners.

Learned counsel for the petitioners has argued that petitioner No.1 was previously married to Manjit Singh, but the said marriage was dissolved in 2017 and she alongwith her daughter was residing separately, when she came in contact with petitioner No.2. They both fell in love with each other and decided to marry, but the private respondents who are the respective close relatives of the petitioners opposed their relationship. According to him, the private respondents have been pressurizing the petitioners to break their relationship and therefore, apprehending threat, they submitted a representation dated 5.6.2021 (Annexure P-5) to the Sr.Superintendent of Police, whereupon no action has been taken so far. In support of his argument, learned counsel for the petitioners has placed reliance upon the decision of the Hon'ble Supreme Court in Gurwinder

Singh & Anr. vs. The State of Punjab & Ors., SLP(CrI.) No.4028/2021, decided on 4.6.2021 (Annexure P-4). He prays that necessary directions be issued for providing security to the petitioners.

After hearing learned counsel for the petitioners, this Court finds that the contents of the representation are at material variance from the pleadings contained in the writ petition. No such incident of cruelty or torture is mentioned in the representation which has been averred in the writ petition. None of these grounds are supported by any convincing material.

This Court has already observed in CRWP-1069-2021 titled as Rajni Rani and others vs. State of Punjab and others, decided on 28.4.2021, that in large number of cases, the petitions for protection are filed by the runaway couples without there being any actual existence of threat. The relevant portion reads as under:-

“This criminal writ petition is also like many other similar petitions filed by the runaway couples before this Court, who seek protection for their life and liberty, and ordinarily such prayers are based on the sole ground of apprehension of threat predicted against the disapproving parents or other close relatives of the girl only, who oppose their alliance, whereas the said decision is rarely opposed by the family members of the boy. The claim in majority of such petitions is corroborated by the photographs of their sudden, secretive and small destination marriage, alongwith a copy of brief representation to the police containing formulaic request for providing security, without even mentioning the relevant particulars, muchless the manner and mode of alleged threat.

Though the aggrieved persons can also avail

alternative remedy by filing a petition before the Court of Sessions, but only a few petitions are filed there and a large number of petitions land in the lap of this Court, because the writ petitioners feel the alternative remedy to be less felicitous. By now, it is a well settled law that the extra ordinary writ jurisdiction of this Court can be exercised, only if, the writ petition discloses a valid and convincing cause of action, therefore, it is imperative for the petitioners to lay a strong foundation to seek intervention of this Court, at least by prima facie establishing the 'actual' and 'real' threat. Thus, the writ petitions containing formal symbolic averments, grounds and imaginary cause of action would fall short of the required standards for exercise of power under Article 226 Constitution of India.”

The decision of the Hon'ble Supreme Court is not attracted to the facts and circumstances of this case as the Hon'ble Supreme Court has given liberty to the petitioners therein to supplement their representation already submitted for providing protection and the said order deals with the facts and circumstances of said case only. In the present case, the representation is vague and lacks material particulars and does not even reveal the alleged manner or mode of threat extended to the petitioners.

Resultantly, this Court is not inclined to exercise the extra ordinary writ jurisdiction.

Dismissed.

June 10, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No