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

CRWP-5856-2021

Date of decision-05.08.2021

Sama and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Liaqat Ali, Advocate for the petitioners.

Mr. Randhir Singh Hooda, Advocate
for Salma (first wife of petitioner No.2).

MANOJ BAJAJ, J.

Petitioners have filed this petition under Article 226 Constitution of India for issuance of directions to respondent Nos.1 to 3 for providing protection from private respondent Nos.4 to 8 as petitioners have entered into marriage on 21.06.2021 against their wishes.

Learned counsel for the petitioners has argued that petitioners being in love for the last one year, were living together in live in relation and when they decided to solemnize marriage, private respondent Nos.4 to 8 (parents and brothers of petitioner No.1) turned against their alliance and refused to accept their relationship despite convincing efforts. Therefore, on 21.06.2021 petitioners solemnized

marriage at Nuh as per Muslim rites. He further argued that private respondents, who are having close links with influential people and local police, threatened petitioners of dire consequences and petitioners have apprehension that they will implicate them in a false case. So they sent representation dated 22.06.2021 (Annexure P-4) to Superintendent of Police/Commissioner, Gurugram, but no action has been taken upon the same. He prays that the necessary directions be issued to official respondents for providing protection to the petitioners.

At this stage, Mr. R.S.Hooda, Advocate appears on behalf of Salma (first wife of petitioner No.2) and opposed the prayer made on behalf of the petitioners. In this regard, he has produced copy of the AADHAR Card of Salma wife of Mohammad Ali and their children. According to him, petitioner No.2 has not only concealed the fact of his first marriage but has deliberately mentioned in the petition that his marriage with petitioner No.1 is his first marriage.

When confronted with the above, learned counsel for the petitioners does not dispute this fact and submits that as per Mohammedan law, petitioner No.2 can enter into another marriage even during the subsistence of his first marriage.

After hearing learned counsel for the petitioners, this Court is of the opinion that the petitioners have deliberately concealed the material facts from this Court and this amounts to misuse of the process of law.

Apart from it, not only the representation given by them to the police is vague but the apprehension of their false implication by private respondents is also misplaced as even if it is assumed that if any complaint is given by private respondents to the police, it cannot be construed as a threat as they too are free to avail their remedy in law.

The above facts and circumstances of the case clearly establish that the petition is not founded on a convincing cause of action, therefore, the petitioner No.2 deserves to be burdened with costs.

Resultantly, the petition is dismissed and it is ordered that the petitioner No.2 shall deposit a sum of Rs. 25,000/- with Director, PGIMER, Chandigarh (For COVID Patients) within a period of two months.

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

(MANOJ BAJAJ)
JUDGE

05.08.2021

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