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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6799-2021

Date of Decision: 26.07.2021

Alka Rani and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Dev Singh, Advocate for
Mr. Ajay Bhardwaj, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Akashdeep Sethi, Advocate
for respondent Nos.4 to 7.

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Manoj Bajaj, J. (Oral)

The petitioners have invoked the writ jurisdiction of this Court under Article 226 Constitution of India seeking a writ of mandamus for directions to respondents No.2 and 3 to protect their life and liberty, as they apprehend danger from private respondents No.4 to 7 i.e. family members of petitioner No.1, who are opposing their matrimonial alliance.

Briefly, the facts pleaded in the writ petition, are that the petitioners, who are major, fell in love with each other and developed intimacy. They decided to marry, however, their decision was not accepted by the family members of petitioner No.1, so, they performed marriage on 22.07.2020 at Tridev Sanatan Dharam Parchar Samiti (Regd.), Booth No.249, MDC, Sector-4, Panchkula against the wishes of private respondents. It is claimed that after their marriage, the petitioners were

respondents and in this regard, petitioners submitted a representation dated 27.07.2020 to the Superintendent of Police, Fazilka. They had also filed CRWP-5371-2020, titled as *Alka Rani and another Vs. State of Punjab* and others, seeking protection to their life and liberty from private respondents, but the said petition was withdrawn with liberty to file a fresh one on 29.07.2020 (Annexure P-5), as there were some mistakes in it. Thereafter, parents of petitioner No.1 approached the parents of petitioner No.2 with no objection to the alliance of the petitioners and assured that they would solemnize the marriage of the petitioners again, so that their reputation be maintained in the society. Once petitioner No.1 went along with her parents, they captivated her in the house and did not allow her to make any interaction with petitioner No.2 and started pressurizing her to break the marriage with petitioner No.2. On finding a chance, petitioner No.1-Alka Rani left her parental house and ran away along with petitioner No.2, so as to lead matrimonial life peacefully. Since the petitioners are again receiving serious threats to their life and liberty from the family members of petitioner No.1, they submitted a representation dated 18.07.2021 (Annexure P-6) in this regard to the Superintendent of Police, Fazilka, and contended that no action has been taken by the officer concerned so far. It is prayed that the petitioners be provided protection.

Learned counsel for the petitioners has argued that the petitioners are major, who have married each other with their own consent, therefore, the private respondents, who are parents and other relatives of petitioner No.1 have no reason to interfere in their peaceful life. He submits that despite a representation given to respondent No.2, the grievance of the

petitioners has not been redressed so far, as no security has been provided to them. He prays for issuance of necessary directions.

Learned counsel for private respondent Nos.4 to 7 has submitted that the petitioners have wrongly impleaded father of petitioner No.1 as respondent No.4, despite the fact that he had already expired on 19.08.2001 and in this regard, he has produced his death certificate. He further submits that a case FIR No.0106 dated 22.07.2021, under Section 346 IPC, at Police Station Bahawala, District Fazilka, has already been registered against petitioner No.2 on the basis of a complaint given by respondent No.5-Kamlesh Rani (widow of Kashi Ram).

Learned counsel appearing on behalf of the petitioners is unable to controvert the above stand of learned counsel for private respondent Nos.4 to 7 and states that he has nothing to submit qua this.

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. Apart from it, the above facts and circumstances of the case clearly establish that the petitioners have blamed the father of Alka Rani, who died on 19.08.2001 and levelled allegations against him not only in the representation, but impleaded him in the present petition as well. This clearly shows that the petitioners have filed a false and frivolous claim before this Court without disclosing the true facts, and it amounts to misuse of the process of law, therefore, the petitioners deserve to be saddled with costs.

Resultantly, the writ petition is dismissed with costs of ₹50,000/- to be borne by the petitioners and it is ordered that the same be

deposited with the Director, PGIMER, Chandigarh (for COVID Patients) within a period of two months, failing which the Chief Judicial Magistrate, Fazilka shall ensure the recovery and deposit of the costs, in accordance with law.

26.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No