

122

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

CRWP-6759-2021

Date of Decision: 22.07.2021

**Saroj and another****.. Petitioners****Vs.****State of Punjab and others****..Respondents****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Karandeep Singh, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Peeyush Gagneja, Advocate for respondent No.4.

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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 8, who are opposing the matrimonial alliance of the petitioners.

Briefly, the facts pleaded in the writ petition, are that the petitioners are major, who fell in love with each other and developed intimacy. They decided to marry, however, the same was not accepted by family members of petitioner No.1. As a result, they performed marriage on 12.07.2021 at Chuhriwala Dhanna, District Fazilka against the wishes of private respondents i.e. family members of petitioner No.1 . 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, petitioners submitted a representation dated 13.07.2021 (Annexure P-4) to the

Superintendent of Police, Fazilka. It is prayed that the petitioners be

provided protection.

When the petition was called for hearing, Mr. Peeyush Gagneja, Advocate appears on behalf of respondent No.4 and has produced the copy of order dated 15.07.2021 to contend that the petitioners have misled this Court by concealing the material fact that similar petition bearing No.CRM 351 of 2021 seeking protection filed by them before the Sessions Court, Fazilka has already been dismissed by the Court below. He states that on the basis of a complaint given by the father of petitioner No.1, a case FIR No.0066 dated 15.07.2021, under Sections 363, 366-A and 120-B IPC has already been registered against petitioner No.2. He has produced the copy of the FIR as well.

Learned State counsel has not disputed the above position explained by the learned counsel for respondent No.4. Learned counsel for the petitioners has also not refuted the above stand of learned counsel for respondent No.4.

After hearing the learned counsel for the parties, this Court finds that the petitioners though have claimed in the writ petition to be matured law abiding citizens, but they have deliberately suppressed important relevant facts from this Court. Their unsuccessful attempt to seek protection before the Sessions Court Fazilka has not been disclosed in the petition. Here it will be useful to extract the observation of the Court of Sessions, Fazilka in its order dated 15.07.2021, which reads as under:-

*“Sh. M.L. Goel, Advocate put appearance on behalf of Mohinder Kumar, father of petitioner Saroj. Learned counsel submitted that petitioner Saroj is a minor being less than 18 years of age. In order to support this contention, a copy of her birth certificate indicating date of birth as 30.05.2005 has been enclosed. In order to further evident that*

*the petitioner is a minor, a photo copy of birth certificate of his son Des Raj indicating date of birth as 01.04.2006 has also been supplied by him.*

*From the above discussion, it appears as if petitioner Saroj is a minor. Learned counsel for the petitioners submitted that today he has not brief to contest this petition on behalf of the petitioners. In these circumstances, as it appears that petitioner Saroj is still a minor, hence the protection applied by her is dismissed under Order 9 Rule 8 C.P.C. However, it is made clear that it is the general duty of the police to protect all the citizens and if any such threat is perceived by the petitioners, they may directly approach the police to seek protection of their life and liberty.”*

A perusal of the petition shows that these material facts have neither been pleaded in the petition nor were brought to the notice of the Court when the matter was taken up for hearing and on the contrary, a misleading averment has been made in the petition that no such or similar writ petition has been filed by the petitioners before this Court or before Hon'ble Supreme Court of India or before any Court of law.

The above facts and circumstances of the case clearly establish that the petitioners have tried to mislead the Court to obtain favorable orders by concealing material facts and have, therefore, abused the process of law. The specific averment made by the petitioners in the writ petition that except for invoking the writ jurisdiction, they do not have any efficacious alternative remedy, is apparently false, therefore, the petitioner No.2 deserves to be saddled with costs.

Resultantly, the writ petition is dismissed with costs of Rs.25,000/- to be borne by petitioner No.2-Sunil Kumar and it is ordered that the same be deposited with the Punjab and Haryana High Court Employees' Welfare Association 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.

22.07.2021  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |