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

CRWP-7155-2021

Date of Decision: 02.08.2021

Sukhjeet Kaur and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Bhavna Grewal, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

By means of this writ petition under Article 226 Constitution of India, petitioners seek a writ of mandamus by way of directions to official respondent Nos.2 and 3 to protect their life and liberty from respondent Nos.4 and 5, as they are against petitioners' live-in-relationship.

Learned counsel for the petitioners has argued that though both the petitioners are previously married, but as they have divorced their respective spouses, so, both are free to reside together in live-in relationship. Learned counsel has drawn the attention of the Court to the alleged respective Panchayati divorce (Annexures P-1 and P-2). She has argued that the private respondents No.4 and 5 are parents of petitioner No.2 (Jagdev Singh), who have threatened him of dire consequences, and there is every likelihood that the private respondents would implicate the petitioners in some false case by giving a complaint to the police. He has invited the attention of the Court to the representation dated 23.07.2021 (Annexure P-5) given by the petitioners to the Senior Superintendent of Police, (Rural) Ludhiana with a copy to SHO, Police Station Sadar Jagraon,

District Ludhiana, and submitted that as no protection has been provided so far, therefore, the necessary directions be issued for providing security to the petitioners.

After hearing the learned counsel for the petitioners, this Court finds that the alleged stand of the petitioners that they have divorced their respective spouses is not worth acceptance, as no decree of divorce has been passed by a competent Court of jurisdiction so far. The Panchayati divorce relied upon by Sukhjeet Kaur itself contains a condition that in case, her husband declines to give divorce, then she would be at liberty to get decree of divorce through Court. This clearly indicates that the Panchayati divorce has not been acted upon. Similarly, the agreement of divorce relied upon by Jagdev Singh also contains the fact that the petition for divorce between him and his wife is pending in Court, therefore, it is apparent that the first marriage of both the petitioners is subsisting.

Apart from it, a perusal of the representation reveals that the private respondents allegedly conveyed their displeasure to the petitioners, as they have soiled the reputation of the family. The apprehension of threat as expressed by the petitioners is misplaced, as the petitioner No.2 is nearly 50 years old so, his parents must be of advanced age. A reading of this representation further reveals that the same is vague and lacks all kinds of particulars and does not at all even describe the alleged manner and mode of alleged threat extended to the petitioners. Thus, the petition has been filed without a valid cause of action, therefore, the petitioners deserves to be saddled with costs.

Resultantly, the writ petition is dismissed with costs of

₹25,000/- 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, Patiala shall ensure the recovery and deposit of the costs, in accordance with law.

02.08.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No