

117

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

CRWP-7186-2021

Date of Decision: 02.08.2021

Sabila and another

.. Petitioners

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

...

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 to 6, as they are against petitioners' live-in-relationship.

Learned counsel for the petitioners has argued that both the petitioners are major. Petitioner No.1 is a divorced lady having four children from her ex-husband, namely Saqir-respondent No.6 and is in live-in-relationship with petitioner No.2, who is also married, but is living separately from his wife, and is taking care of petitioner No.1 since long, however the private respondents are against this relationship. He submits that the private respondents gave beatings to petitioner No.1 and now they are bent upon and trying to eliminate the petitioners. In this regard, they moved a representation dated 26.07.2021 (Annexure P-3) to the Superintendent of Police, Palwal, but as no action has been taken upon their request, so the necessary directions for providing protection to the petitioners be issued.

During the course of hearing, it is not disputed that all the four children of petitioner No.1 are residing with her father. A perusal of the representation given by petitioner No.1 shows that she apprehends danger from her ex-husband (respondent No.6), her own father and brother, who may implicate her in a false case. Apparently, the petitioner No.1 has adopted a conflicting stand, as not only she entrusted the custody of her children willingly with her own father and brother, but she has filed this petition on the basis of apprehension of threat from them and the said stand is not supported by any convincing material, much less any particulars of the alleged threat. Even the marriage between the petitioner No.2 and his wife has not been dissolved nor any litigation is pending between them. Thus, the petition has been filed without a valid cause of action, therefore, the petitioners deserve to be saddled with costs.

Resultantly, the writ petition is dismissed with costs of Rs.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, Palwal shall ensure the recovery and deposit of the costs, in accordance with law.

02.08.2021

*Jasmine Kaur***(MANOJ BAJAJ)**
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No