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

CRWP-7846-2021

Date of decision-19.08.2021

Monika and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

MANOJ BAJAJ, J.

By means of this writ petition under Article 226 Constitution of India, petitioners seek a writ of mandamus by way of direction to official respondent Nos.1 to 3 to protect their life and liberty from respondent Nos. 4 to 6, as petitioners have solemnized marriage on 13.08.2021 against their wishes.

The facts in brief leading to the writ petition are that the petitioners being in love decided to marry and when they expressed their relationship to private respondents, who are parents and brother of petitioner No.1, they turned against their alliance. The private respondents decided to marry petitioner No.1 with a person of their own choice, but when it was opposed by petitioner No.1, private respondents gave beatings to her and refused to accept their proposal

despite convincing efforts. Therefore, on 13.08.2021, petitioner No.1 left her house and solemnized marriage with petitioner No.2 at Arya Samaj Mandir, Delhi and in this regard the photographs (Annexure P-4) are appended with the petition. As per the pleadings, petitioners have apprehension that private respondents will cause harm to them and implicate them in a false case, therefore, a representation dated 13.08.2021 (Anenxure P-5) has already been given to Superintendent of Police, Gurgaon, however, till date no action has been taken upon the same. Lastly, it has been prayed that the writ of mandamus be issued to the official respondents for providing protection to the petitioners.

Learned counsel for the petitioners has argued that the petitioners are major, who have married against the wishes of the private respondents. According to him, representation submitted before respondent No.2 for protection has not been decided so far, therefore, the necessary directions be issued for providing security to the petitioners.

After hearing learned counsel for the petitioners, this Court finds that the petition is directed against the parents (natural guardian) and brother of petitioner No.1 and the bald averments contained in the petition are not substantiated with any convincing material. Though it is pleaded in the petition that private respondents gave beatings to petitioner No.1, but in this regard, no complaint was ever made by her to the police. Further, the apprehension of the petitioners that private

respondents would implicate them in a false criminal case, cannot be construed as a threat as they too are free to avail their remedy in law.

The issue raised in this petition arises everyday before this Court in large number of cases and the nature of relief claimed in such type of petitions is founded upon cyclostyled grounds and representations, and in this respect, this Court in CRWP-1069-2021, titled “Rajni Rani and another Vs. State of Punjab and others”, made the following observations:-

“The society, for the last few years, has been experiencing profound changes in social values, especially amongst exuberant youngsters, who seldom in pursuit of absolute freedom, leave the company of their parents, etc., to live with the person of their choice and file petitions against them for protection on the ground of threat to their life and liberty. In large number of cases, where the response of such respondents is called for, they appear before the Court and raise no objection to the decision of the runaway couple and the petition is rendered infructuous. This shows that the filing of the petition was like any other ordinary ritual and unnecessary, but these kinds of petitions consume considerable time of the Court, that too at the cost of many other important cases waiting in line for hearing. This criminal writ petition is also like many other similar petitions filed by the runaway couples before this Court, who seek protection for their life and liberty, and ordinarily such prayers are based on the sole ground of apprehension of threat predicted against the disapproving parents or other close relatives of the girl only, who oppose their alliance, whereas the said decision is rarely opposed by the family members of the boy. The claim in majority of such petitions is corroborated by the photographs of their sudden, secretive and small destination marriage, alongwith a copy of brief representation to the police containing formulaic request for providing security, without even mentioning the relevant particulars, muchless the manner and mode of alleged threat.

Though the aggrieved persons can also avail alternative

remedy by filing a petition before the Court of Sessions, but only a few petitions are filed there and a large number of petitions land in the lap of this Court, because the writ petitioners feel the alternative remedy to be less felicitous. By now, it is a well settled law that the extra ordinary writ jurisdiction of this Court can be exercised, only if, the writ petition discloses a valid and convincing cause of action, therefore, it is imperative for the petitioners to lay a strong foundation to seek intervention of this Court, at least by prima facie establishing the 'actual' and 'real' threat. Thus, the writ petitions containing formal symbolic averments, grounds and imaginary cause of action would fall short of the required standards for exercise of power under Article 226 Constitution of India.”

Apart from it, the representation submitted by the petitioners to respondent No.2 also lacks material particulars and does not reveal the manner and mode of alleged threat extended to the petitioners.

At this juncture, it needs to be observed that Police District Gurugram is headed by Commissioner of Police and the alleged representation dated 13.08.2021 (Annexure P-5) addressed to Superintendent of Police, Gurgaon apparently does not seem to be genuine and has been created to set up a fake cause of action to file the criminal writ petition.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.08.2021

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No