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

CRWP-8208-2021

Date of Decision: 31.08.2021

Gagandeep Singh and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumeet Puri, 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.1 to 4 to protect their life and liberty from respondent No.5, as he is against petitioners' live-in-relationship.

The facts in brief leading to the writ petition are that petitioner No.1 Gagandeep Singh, aged 23 years and petitioner No.2 Chanda Rani aged 17 years and 3 months fell in love with each other, who decided to marry on attaining the age of majority. As per the pleadings, when the relationship of the petitioners came to the knowledge of respondent No.5 (brother of petitioner No.2), he turned against their alliance, therefore, petitioner No.2 ran away from her house on 16.08.2021 and is now residing with petitioner No.1 in live in-relationship. They apprehend that respondent No.5 would cause harm to them, so they brought this issue to the notice of District Police, Sangrur, but no one has paid any heed to their grievance. In this regard, they submitted a representation dated 17.08.2021 (Annexure P-3) to I.G.P., Patiala, however, till date no action has been taken by the said

officer. Hence this writ petition.

Learned counsel contends that though the petitioner No.2 is minor and she has decided to marry petitioner No.1, but as the brother of petitioner No.2 is against this alliance, therefore, they are apprehending threat to their life. He has further contended that the brother of the minor girl was compelling her for marriage with a person of his choice, so she ran away from her house on 16.08.2021 and started residing with petitioner No.1. He submits that the grievance of the petitioners conveyed through the representation to respondent No.2 has not been addressed so far, therefore, the necessary directions be issued by providing protection to the petitioners. In support of his argument, learned counsel has placed reliance upon a decision rendered by this Court on 03.06.2021 in **CRWP-4725-2021 (Seema Kaur and another Vs. State of Punjab and others)**.

After hearing learned counsel for the petitioners, this Court finds that petitioner No.1 allegedly became acquaintance of the girl only few months back and their alleged relations developed recently, but in support of the pleadings contained in the petition, the affidavit of petitioner No.1 alone has been filed, who is representing petitioner No.2 as her next friend. Considering the nature of the relief and the fact that the petition is directed against the brother of the minor girl, who is close relative, the stand of petitioner No.1 as next friend of petitioner No.2 is not worth acceptance. There is no averment in the petition that the interest of petitioner No.1 is not adverse to the interest of petitioner No.2 (minor girl) particularly, when unsubstantiated allegations have been levelled against the brother of the girl.

A perusal of the representation further reveals that it is vague

and lacks all relevant and necessary particulars, therefore, the apprehension expressed is misconceived. The reliance placed upon by the learned counsel on the decision of this Court may not be helpful as the question of valid representation of minor was not dealt with in Seema Kaur's case (supra). Even otherwise, the said decision cannot be treated as a binding precedent as this Court without examining the merits, much less the prima facie existence of threat disposed of the said petition with a direction to SSP, Bathinda to look into their representation. Thus, the above background of the case indicates that Gagandeep Singh has filed this frivolous petition without any valid cause of action, therefore, he deserves to be saddled with costs.

Resultantly, the writ petition is dismissed with costs of Rs.25,000/- to be borne by petitioner No.1 and it is ordered that the same be deposited with the Institute of Blind, Sector-26, Chandigarh within a period of two months, failing which the Chief Judicial Magistrate, Sangrur shall ensure the recovery and deposit of the costs, in accordance with law.

31.08.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No