

In the High Court of Punjab and Haryana at Chandigarh

**CRWP No. 8708 of 2021
Date of Decision: 28.9.2021**

Kajal and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj K. Sharma, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for directing respondents No. 1 to 3 to protect the life and liberty of the petitioners from the hands of respondents No. 4 to 10.

Learned counsel for the petitioners submits that petitioner No. 1 was earlier married to Mahinder Singh and she obtained a *panchayti* divorce on 17.4.2021. Both the petitioners want to marry each other but the family members of petitioner No. 1 are against their relationship. He further submits that both the petitioners have been living together in a live-in relationship and facing threats from the family members of petitioner No. 1 and in this regard, petitioner No. 1 has also moved a representation dated 09.9.2021 (Annexure P-5) to Senior Superintendent of Police, Batala-respondent No. 2.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that respondents No. 4 to 10 would catch them and carry out their threats

and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to post for protection of their life and liberty.

In support of his arguments, learned counsel has placed reliance on the judgment passed by a Co-ordinate Bench of this Court in ***CRWP-8884-2021*** titled ***Lavleen Kaur and another versus State of Punjab and others***, decided on ***16.9.2021***.

Notice of motion to the respondents No. 1 to 3 only.

On the asking of this Court, Mr. H.S.Sitta, AAG, Punjab, accepts notice on behalf of respondents No.1 to 3.

I have heard the learned counsel for the parties.

In the present case, petitioner No. 1, who was already married to one Mahinder Singh, is stated to have obtained a *panchayati* divorce from him on 17.4.2021. The previous marriage of petitioner No. 1 has not been dissolved in accordance with law and the alleged Panchayati divorce is legally untenable.

A Division Bench of Allahabad High Court in the case titled as ***'Akhlesh and another Vs. State of U.P. and others'*** decided on 25.02.2020 and a Single Bench of Allahabad High Court in the case titled as ***'Kusum and another Vs. State of U.P. and others'*** decided on 09.11.2016, held that in the cases where any of the petitioners, has not obtained divorce from his/her spouse, no protection can be granted.

This Court in ***CRWP-3045-2021*** titled ***Jaswinder Kaur versus State of Punjab***, decided on 25.3.2021, has declined the relief claimed therein after following the aforesaid judgments and held that as the petitioner therein had filed the petition without obtaining divorce, in

accordance with law, she had no cause of action to file the petition.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

September 28, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No