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

CRWP-8926-2021

Date of Decision: 17.09.2021

Manpreet Kaur and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Samra, 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 to 7, as they are against petitioners' live-in relationship.

Learned counsel has contended that the petitioners are major and petitioner No.1 was previously married, who got divorce from her husband by way of mutual consent through decree dated 12.02.2020, whereas petitioner No.2 is also married to respondent No.4 (Gurdeep Kaur) and having a 13 year's old son and he is living separately since June, 2021 from her. Now, both the petitioners are residing together in live-in relationship and are facing threats from private respondents No.4 as well as respondent Nos.5 to 7, who are related to respondent No.4. He submits that petitioner No.2 is living separately from his wife since June, 2021, who got emotional help from petitioner No.1, however, the private respondents are against this relationship and have threatened them of dire consequences, and there is every likelihood that the private respondents would implicate the petitioners in some false case by giving complaint to the police. In this

regard, petitioner No.1 moved a representation dated 16.09.2021 (Annexure

P-3) to the Senior Superintendent of Police, Sangrur, but as no action has been taken upon her request, therefore, necessary directions for providing protection to the petitioners be issued.

During the course of hearing, it is not disputed by learned counsel that neither the marriage between petitioner No.2 and Gurdeep Kaur (respondent No.4) has been dissolved nor any litigation is pending between them. A perusal of the pleadings shows that petitioner No.2 has entered into ‘unholy alliance’ with petitioner No.1. The representation submitted by petitioner No.1 to respondent No.2 does not contain the allegations against the respondents as pleaded in the writ petition, much less the manner and mode of alleged threat extended to the petitioners. The above facts and circumstances of the case clearly establish that the petition is not founded on a convincing cause of action and amounts to misuse of process of law and, 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 (Poor Patients Fund) within a period of two months of this order.

The Chief Judicial Magistrate, Sangrur shall ensure the recovery and deposit of the costs, in accordance with law.

17.09.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No