

In the High Court of Punjab and Haryana at Chandigarh

**CRWP No. 10638 of 2020
Date of Decision: 15.1.2021**

Roshani and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Pushpinder Kaur Minhas, Advocate for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No. 2 and 3 to protect the life and liberty of the petitioners from the hands of respondents No. 4 to 7.

Status report by way of affidavit of Deputy Superintendent of Police, Kalayat, District Kaithal, filed in the Registry, is taken on record.

Learned counsel for the petitioners states that petitioner No. 1 is the wife of respondent No. 4 and they have a child, who has been residing with respondent No. 4. She further submits that there is a matrimonial dispute between the husband and wife. Respondent No. 4 is a drunkard and used to beat his wife-petitioner No. 1 and also extended threats to kill her. Petitioner No. 1 also filed a petition under Section 13 of the Hindu Marriage Act, 1955 against respondent No. 4. She further submits that both the petitioners are known to each other since long and have been living together in live-in relationship and facing threat from respondents No. 4 to 7. In this

regard, the petitioners have also moved a representation dated 01.12.2020

(Annexure P-3) to Superintendent of Police, Kaithal-respondent No. 2 but no action has been taken on the same so far.

On the other hand, learned State counsel has opposed the prayer made by the petitioners.

I have heard the learned counsel for the parties.

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.

In this case, though as per petitioner No. 1, she has filed a petition for divorce under Section 13 of the Hindu Marriage Act, 1955, yet no divorce has been granted so far.

In view of the above, the present petition is dismissed, as no ground is made out to allow the prayer made in the petition.

(HARNARESH SINGH GILL)
JUDGE

January 15, 2021
Gurpreet

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