

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

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CRWP-11121-2021

Date of Decision : November 25, 2021

GURPREET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vinod Bhardwaj, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of directions to official respondents to protect the life and liberty of the petitioner and his family members from the hands of the private respondents, who are harassing and threatening the petitioner and his family members with dire consequences and not to harass and implicate the petitioner in any false criminal case at the behest of the private respondents.

The learned counsel for the petitioner has submitted that respondent No.4, namely, Manpreet Kaur daughter of Fateh Singh is in the habit of cheating innocent people on the pretext of marriage. She had earlier married with Rajan son of Mohan Singh in the year 2015 and thereafter left his house and filed various complaints against him and his family members and thereafter grabbed huge money from aforesaid Rajan. The matter was compromised. Thereafter, respondent No.4 again married with Shambu Verma in the year 2016 without getting any divorce

from earlier marriage and after some time she left the company of aforesaid Shambu Verma after filing various complaints against him and his family members and grabbed huge money from aforesaid Shambu Verma. Learned counsel further referred to para No.4 of the petition and submitted that thereafter respondent No.4 projected herself to be unmarried and started living with the petitioner in the year 2018 and they were thinking of solemnization of marriage but respondent No.4 with her mischievous mind left the company of the petitioner and filed complaints against the petitioner and his family members in order to pressurize the petitioner and to grab money. Thereafter she left the house of the petitioner and took away two tolas of gold and cash amounting to Rs.1.30 lac and also took many small house hold articles and filed various false complaints against the petitioner and his family members in order to harass them. Thereafter, respondent No.4 also filed a petition under Section 12 of the Protection of Women from Domestic Violence before the learned Judicial Magistrate 1st Class, Ludhiana which is still pending adjudication. Thereafter, she had filed various false complaints against the petitioner and the petitioner and his family members were called by the police in the Police Station many times and they are being harassed. He submitted that representation was given to the SSP, Sangrur vide Annexure P-3 dated 11.4.2019 and thereafter the father of the petitioner gave another request letter vide Annexure P-4 and thereafter vide Annexure P-5 representation was also given to the SSP, Sangrur. Learned counsel for the petitioner has submitted that he is seeking protection of life and liberty at the hands of the private respondents.

I have heard the learned counsel for the petitioner.

The present petition has been filed seeking protection of life and liberty on the ground that the wife of the petitioner is harassing the petitioner in connivance with the police. At the first instance, the pleadings made in the petition as well as that of the representations Annexures P-3 and P-5 made by the petitioner are totally inconsistent. In para No.4 of the petition, the petitioner has stated that respondent No.4 started living with the petitioner in the year 2018 and they were thinking of solemnization of marriage but thereafter she with the mischievous mind left the company of the petitioner and filed a complaint against the petitioner and his family members. A perusal of Annexure P-3 filed by the petitioner to the SSP, Sangrur shows that the petitioner has stated that his marriage with respondent No.4 was solemnized on 20.7.2018. A perusal of Annexure P-5 filed by the petitioner again would show that he has stated that in the year 2018 they were thinking of solemnization of marriage but thereafter she left the company of the petitioner. The relevant portion of the writ petition and the representations are reproduced as under:-

“Para No.4:

That thereafter respondent No 4 projected herself unmarried to the petitioner and as the petitioner is divorcee and the respondent No 4 projecting herself unmarried and started living with the petitioner in the year 2018 and they were thinking of solemnization of marriage but the respondent No 4 with her mischievous mind left the company of the petitioner also and filed complaints against the petitioner and his family members

in order to pressurize the petitioner and to grab the money.

Annexure P-3:

That I am a resident of the above mentioned address. My marriage was solemnized with Manpreet Kaur daughter of Fateh Singh, resident of Street No. 16, Jujhar Nagar, Shimlapuri, District Ludhiana on 20/07/2018.

Annexure P-5:

Thereafter said Manpreet Kaur projected herself unmarried to the applicant as the applicant is divorcee and said Manpreet Kaur projecting herself unmarried and both of them started living with each other in the year 2018 and they were thinking of solemnization of marriage, but said Manpreet Kaur with her mischievous mind left the company of the applicant also and filed complaints against the applicant and his family members in order to pressurize the applicant and to grab the money.”

It appears that the petitioner has not come to the Court with clean hands. The averments made in para No.4 of the petition are supported by an affidavit of the petitioner and the representation given to the SSP, Sangrur vide Annexure P-3 was contrary to the same. Apart from this, the provisions of Article 226 of the Constitution of India cannot be invoked at the drop of the hat. The grievance of the petitioner is that he is being harassed by the private respondents. Respondent No.4 is stated to be the wife of the petitioner as per Annexure P-3 and the remaining private respondents are the relatives of respondent No.4. In case the petitioner was married with her then she always has a right to take recourse of law in case she so desires and in accordance with law by

filing appropriate petition before the appropriate Court. A perusal of the entire writ petition as well as the representations filed by the petitioner would show that they are totally vague in nature and it appears that the present petition has been filed seeking protection of life and liberty only because respondent No.4 has filed some complaints against the petitioner. The petitioner cannot invoke the jurisdiction of Article 226 of the Constitution of India on the ground that the wife of the petitioner is harassing him and, therefore, protection should be granted. The present petition is, therefore, ex-facie frivolous in nature apart from being vague and misleading.

In view of the above and finding no merit in the present petition, the same is, hereby, dismissed with costs of Rs.25,000/-. The costs shall be deposited by the petitioner in Poor Patients Welfare Fund, PGI, Chandigarh within a period of three months and the receipt of the same shall be produced in the Registry of this Court.

The Registry is directed to put up this case for compliance after three months in case the costs is not deposited by the petitioner.

(JASGURPREET SINGH PURI)
JUDGE

November 25, 2021

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No