

129

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

**CRWP-3246-2022 (O&M)
Date of Decision:08.04.2022**

Pamandeep Kaur and another

.. Petitioners**Vs.**

State of Punjab and others

..Respondents**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Digvijay Nagpal, Advocate for
Mr. Sanjeev Kumar, 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 3 to protect their life and liberty from respondent No.4, as he is against petitioners' live-in-relationship.

Learned counsel for the petitioners contends that petitioner No.1 Pamandeep Kaur, aged 37 years was already married with Bakhshish Singh (respondent No.4) on 17.11.2006 and out of this wedlock, one child was born. According to the learned counsel, petitioner No.1 was maltreated by her husband and was thrown out of her matrimonial house on 02.04.2022 and since then petitioner No.1 is residing with petitioner No.2 in live-in relationship. Learned counsel has further argued that petitioner No.1 would file a divorce petition against respondent No.4 and would perform marriage with petitioner No.2, but respondent No.4 is extending threats to them, who is against their alliance. He further states that when the relationship of the petitioners came to the knowledge of respondent No.4, he gave threats to the petitioners and there is apprehension that he would implicate them in a false criminal case, so, a representation dated 04.04.2022 (Annexure P-3)

was given to Senior Superintendent of Police, Batala, District Gurdaspur. But till date, no action has been taken upon it, therefore, it is prayed that the necessary directions be issued for providing protection to the petitioners.

During the course of hearing, it is not disputed by learned counsel that neither the marriage between petitioner No.1 and Bakhsish Singh (respondent No.4) has been dissolved nor any litigation is pending between them. There is no averment in the representation or in the writ petition that the child is also residing with the mother, therefore, it can be safely inferred that the mother had abandoned the husband as well as the child in order to enter into unholy alliance with petitioner No.2. Concededly, the marriage between petitioner No.1 and respondent No.4 has not been dissolved so far, and the apprehension that respondent No.4 would implicate the petitioner in some false case is also baseless. Even, if it is assumed, that a complaint is given to the police by the private respondent against the petitioners, then it cannot be construed as threat to their life and liberty, as private respondent is also free to avail his remedy in law in case, he feels that some offence has been committed against him.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

08.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No