

CRWP No. 8302 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No. 8302 of 2022

Date of Decision: 1st September, 2022

Sandeep Kaur and another

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M. S. Rana, Advocate for the petitioners.
Mr. Arun Luthra, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is second petition filed seeking directions for protecting life and liberty of the petitioners from the hands of private respondents (arrayed in the petition). The petitioners have solemnised marriage against the wishes of their parents.

The earlier petition bearing CRWP No.8041 of 2022 was filed.
The order passed in that petition is reproduced below:

“This petition is filed seeking directions to the official respondents to protect the life and liberty of the petitioners at the hands of private respondents (arrayed in the petition), who have solemnised marriage against the wishes of their parents.

After arguing for some time and realising that the petition was drafted even without waiting for the representation to reach the concerned quarter, learned counsel for the petitioners seeks permission to withdraw the

present petition with liberty to pursue the representation.

Dismissed as withdrawn with liberty as prayed for.”

This second petition has been filed on the same cause of action. There is no document annexed with the petition to show that after withdrawing the earlier petition with liberty to pursue the representation, the petitioners had pursued the representation.

Considering the number of cases being filed for protection and the issue of life and liberty is involved therein, this Court in CRWP No. 2428 of 2021 directed the States of Punjab, Haryana and U.T., Chandigarh to take steps to ensure that apprehension of threat is dealt with by the concerned authorities at the earliest and the needful steps warranted are taken expeditiously.

It would not be out of place to mention that in CRWP No. 2428 of 2021, U.T. Administration and States of Punjab and Haryana filed reports with regard to forums made available by way of portal, websites and help-line numbers, for the couples seeking protection. Public awareness campaigns were undertaken with regard to the forums provided.

On 29.4.2022, learned counsel for the State of Punjab apprised the court of following developments:

“Learned State counsel for Punjab submits that portal has been started and shelter homes are earmarked in 14 districts and in the rest of the districts needful would be done at the earliest.”

On 24.5.2022, learned counsel for States of Punjab, Haryana and U.T. made the following submissions:

“Learned State counsel for Punjab, Haryana and U.T., Chandigarh submit that officials required, infrastructure

machinery to deal with the threat perceptions to run away couples, seeking protection, has been put in place and made operational. Portals have been activated. The public awareness process with regard to the Forums and remedies available is being carried out.

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Learned counsel for the Punjab, Haryana and UT, Chandigarh seek time to inform the court as to what would be the practical time period within which the first help from the receipt of the complaint could reach the distressed couples.”

Thereafter, the matter was treated as PIL. On 15.7.2022, Hon'ble Division Bench passed the following order:

“Learned Deputy Advocate General appearing for the State of Punjab prays for time to file an affidavit indicating the steps taken by the State of Punjab for the purposes of setting up and creating machinery to deal with the problems and the issues raised by this court.

Further, it is observed that in view of the mechanism that has been put in place by the States of Punjab, Haryana and Union Territory, Chandigarh, for the present there is no urgent or immediate requirement to install any awareness sign boards in the premises of the High Court. In the circumstances, the exercise to install awareness boards in the High Court premises is deferred.”

These steps were taken on the asking of the court to ensure that the couples seeking protection need not to rush all the way to Chandigarh, enhancing their threat apprehension. In spite of that in the present petition, the representation was sent through courier. Without waiting for the representation to reach the concerned quarter, the first petition was filed. Realising the fact, learned counsel for the petitioners withdrew the earlier petition and prayed for a liberty to pursue the representation. Without

pursuing the representation and even prima facie able to show that the representation has reached concerned quarter and needful is not being done by the respondents, this petition is filed.

It is a case of misuse of process of law. It appears that the petitioners have not pursued the representation but are filing successive petitions on the same cause of action.

Considering the conduct of the petitioners, the petition is dismissed with costs of Rs.5,000/- to be deposited in Poor Patients Welfare Fund, PGIMER, Chandigarh.

However, there is no doubt that in case the representation has reached the concerned quarter or if it is pursued, the same would be considered expeditiously in accordance with law.

[AVNEESH JHINGAN]
JUDGE

1st September, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |