

113

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

**CRWP-8770-2023
Date of Decision: 05.09.2023**

Rahul Chaudhary and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Palvi, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.2 & 3 to protect the life and liberty of the petitioners at the hands of private respondents.

2. Learned counsel for the petitioners has submitted that petitioner No.1 is in live-in-relationship with petitioner No.2, who is a lady and is already married and there is no divorce between petitioner No.2 and her husband. She further submitted that a representation was given to respondent No.2-Superintendent of Police, Nuh vide Annexure P-3 dated 01.09.2023, by a registered post, but no action has been taken in this regard.

3. I have heard the learned counsel for the petitioners.

4. The petitioners have filed the present petition under Article 226 of the Constitution of India for protection of their life and liberty and in the present case, the prayer is for issuance of a writ in the nature of mandamus.

CRWP-8770-2023

One of the basic requirement for issuance of a writ in the nature of mandamus is that a representation/complaint has to be given before filing a petition. In the present case, vide Anneuxre P-3, a complaint/representation was given on 01.09.2023 by way of a registered post and the receipt of the same has been attached at Page No.24 of the paper-book. The present petition has been filed on the same date i.e. on 01.09.2023 and even the affidavits of the petitioners which have been attached with the present petition were sworn by the petitioners on 01.09.2023 i.e. on the same date when the representation was given. Therefore, this Court is of the view that the present petition is not maintainable and is totally premature.

5. Consequently, the present petition is dismissed as premature.

05.09.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |