

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRWP-10918-2023

Date of Decision : November 09, 2023

KAILASH RANI AND ANOTHER

-Petitioners

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Arshdeep, Advocate
for the petitioners.

KULDEEP TIWARI, J. (ORAL)

1. The petitioners, through the instant petition, as cast under Article 226 read with Article 21 of the Constitution of India, crave the hereinafter extracted relief, inasmuch as, a mandamus being made upon the respondents No.1 to 3 to protect their lives and liberty at the hands of private respondents No.4 and 5.

2. The petitioners, in their asking for the relief(s) (supra), have made submissions that both of them have attained the age of majority, as the petitioner No.1 was born on 01.01.1995, while the petitioner No.2 was born on 28.08.1986. To substantiate their claim qua them attaining majority, the petitioners have appended their respective Aadhar Cards as Annexures P-1 and P-2 with the instant petition. The further submissions, as made in the instant petition, are that the petitioners have been living in 'live-in relationship', which has caused grievance to the family members of petitioner No.1. As a result of such grievance, the family members of petitioner No.1 threatened to kill the petitioners, which has made them

apprehensive of danger to their lives and liberty and resultantly, has constrained them to approach this Court, to seek protection of their lives and liberty.

3. It is further averred in the petition, that consequent upon threats being extended by the family members of petitioner No.1, the petitioners made a representation dated 31.10.2023 (Annexure P-3), addressed to the respondent no.2.

4. Before evincing any opinion on the validity of the relief(s) asked for the instant petition, it is deemed imperative to extract from the petition, that though the petitioner No.1 is unmarried, however, the petitioner No.2 is married, who is living separately from his wife due to strained relations, due to which, his wife has filed certain cases against him. Apart from this, the petitioner No.2 has two children, who are living with his wife.

5. What emanates from the above made disclosures in the petition, is that, without obtaining any valid decree of divorce from his earlier spouse and during subsistence of his earlier marriage, the petitioner No.2 is living a lustful and adulterous life with the petitioner No.1, which may constitute an offence punishable under Sections 494/495 of the IPC, as such a relationship does not fall within the phrase of 'live-in relationship' or 'relationship' in the nature of marriage.

6. Apart from the above, what further erupts from a naked eye scrutiny of the instant petition, as also the representation (Annexure P-3), is that, only bald and vague allegations, qua threats being extended to the petitioners by the private respondents, are made therein. Neither any

supportive material has been placed on record by the petitioners to corroborate their allegations, nor even any single instance pertaining to the manner and mode of alleged threats being extended to the petitioners has been anywhere disclosed. Therefore, such bald and vague allegations cannot be readily and naively accepted by this Court, in the absence of any valid and convincing material in support thereof.

7. On the face of the above, it appears that in order to avoid any criminal prosecution in case of adultery, the present petition has been instituted. To the judicial mind of this Court, under the guise of invocation of the writ jurisdiction of this Court, the hidden intent of the petitioners is just to obliquely obtain the seal of this Court on their conduct.

8. In view of the foregoing discussion, this Court finds no concrete ground to grant the asked for relief(s), which are consequently negated. Therefore, the instant petition is hereby dismissed.

November 09, 2023
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(KULDEEP TIWARI)
JUDGE

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