

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRWP-11010-2023

Date of Decision : November 14, 2023

MANDEEP KAUR AND ANOTHER

-Petitioners

V/S

STATE OF PUNJAB AND ORS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. H.S. Batth, Advocate
for the petitioners.

KULDEEP TIWARI, J.

1. Through the instant petition, as cast under Article 226 of the Constitution of India, the petitioners yearn for the issuance of directions upon the official respondents No.2 and 3, to ensure protection of their lives and liberty at the hands of private respondents No.4 to 6.

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 03.12.2003, while the petitioner No.2 was born on 01.01.1993. 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 though the petitioner No.2 is unmarried, however, the petitioner No.1 has been married to respondent No.4, who is allegedly having illicit relations with one Sandeep Kaur. Out of their wedlock, a son namely Fatehveer Singh, aged about 1½ years, was born, who is stated to be under the care and custody of the petitioner

No.1. However, the petitioner No.1, after being flatly told by the respondent No.4 that he was not interested to marry her, rather wanted to marry Sandeep Kaur, left his company and started living with the petitioner No.2. The private respondents became aggrieved from the relationship of the petitioners and as a result of such grievance, the private respondents 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 private respondents, the petitioners approached the respondent No.2 through making a representation on 04.11.2023 (Annexure P-4), thereby seeking protection of their lives and liberty at the hands of private respondents herein.

4. Before evincing any opinion on the validity of the relief(s) asked for in the instant petition, it is deemed imperative to record here that though the factum qua marriage of petitioner No.1 has been cited in the instant petition, however, neither the petition nor the representation (Annexure P-4) make any disclosure as to whether the petitioner No.1 has obtained divorce from her spouse or not. In such circumstances, this Court is impelled to draw an inference that without obtaining any valid decree of divorce from her spouse and during subsistence of her marriage, the petitioner No.1 is living with the petitioner No.2.

5. Apart from the above, what further erupts from a naked eye scrutiny of the instant petition, as also the representation (Annexure P-4), is that, only bald and vague allegations, qua threats being extended to the

petitioners by the private respondents, are made therein. No supportive material has been placed on record by the petitioners to corroborate their allegations. 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.

6. Moreover, the record makes it discernible that the representation (Annexure P-4) has been sent by the petitioners, through courier on 04.11.2023, while the instant petition has been filed hastily after a couple of days, i.e. 06.11.2023, without awaiting any response or outcome of the representation (supra). 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 relationship.

7. In view of the foregoing discussion, this Court finds no concrete ground to grant the asked for relief(s), which are consequently negated, being founded upon baseless pleas and promoted rather by mere assumptions and presumptions. Therefore, the instant petition is hereby dismissed.

November 14, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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