

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRWP-11399-2023 (O&M)

Date of Decision : December 05, 2023

NISHA AND ANOTHER

-Petitioners

V/S

STATE OF HARYANA AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Pushpinder Kaur, Advocate
for the petitioners.

KULDEEP TIWARI, J. (ORAL)

CRM-W-1725-2023

1. Through the instant application, a prayer is made for preponing the date of hearing of the main case, i.e. CRWP-11399-2023.

2. For good and valid reasons, as recorded in the instant application, the same is allowed. The hearing of the main case, i.e. CRWP-11399-2023, is preponed from 13.12.2023 to today itself. The main case is taken on board today itself.

CRWP-11399-2023

3. Through the instant petition, as cast under Article 226 of the Constitution of India, the petitioners seek issuance of a mandamus upon the respondents No.2 and 3, to protect their lives and liberty at the hands of private respondents No.4 to 9, and, also to restrain the said private respondents from harassing or interfering in their peaceful life.

4. The petitioners, in their asking for the relief (supra), have made submissions that both of them have attained the age of majority, as

the petitioner No.1 was born on 05.03.2000, while the petitioner No.2 was born on 07.07.1999. 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 marriage of petitioner No.1 has been solemnized on 30.03.2016. The petitioner No.1 has been residing separately from her husband since 10.03.2022 and has been living in 'live-in relationship' 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.

5. It is further averred in the petition, that consequent upon threats being extended by the private respondents, the petitioner No.1 approached the respondent No.2 through making a representation on 16.11.2023 (Annexure P-3), thereby seeking protection of life and liberty.

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 the factum qua pendency of a divorce petition inter se the petitioner No.1 and her husband is cited in the instant petition, however, the said petition is stated to be yet subjudice. 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-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.

6. Moreover, the record makes it discernible that the representation (Annexure P-3) has been sent by the petitioner No.1, through courier on 16.11.2023, while the instant petition has been filed hastily on the very next date, i.e. 17.11.2023, 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**.

December 05, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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