

CRWP-3612-2024

1

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

(118)

CRWP-3612-2024

Date of Decision:-23.04.2024

Chetna Sharma and Anr.

.....Petitioners

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Chander Shekhar Singhal, Advocate for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, 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 the official respondents to protect the life and liberty of the petitioners at the hands of private respondents.

2. The parties are present in the Court and have been interacted with and apparently they are a very happily married couple and there is no threat to their life and liberty and they have stated that they were informed by the counsel to file the petition to get the marriage registered through High Court. However, on further inquiry, it transpired that respondent 4 has since expired, who is none other than the father of petitioner No.2-boy and as regards allegation against respondent No.5, it is submitted by petitioner No.1 present-in-person that all her family members except for her father attended her marriage and there was apparently no threat except for the fact that the father who was a little upset due to inter-caste marriage of the petitioners.

3. The Courts have been flooded with protection petitions everyday and one of the reasons for the same is the advise given to the parties to file such petitions, despite there being no threat at all. The petitioners who were in a relationship took a decision to get married and were made to believe that their life is in danger and it is only the High Court which would register their marriage and protect them, which is not the true picture. Had the counsel advised the petitioners properly, not only the money spent by the petitioners could have been saved but the precious time of the Court in hearing this frivolous litigation could also have been saved.

4. It is a matter of serious concern as the Court is already saddled with such matters and the time spent on this case could have been utilized for hearing a genuine matter.

5. The counsel in the present case did not even bother to verify the fact as to whether respondent No.4 was alive or not and still made him a party. Though, he submits that he was not aware and was never told by the petitioners that respondent No.4 has since expired.

6. At this stage, counsel is countered with the averments made by the petitioners, who are present in court and he could not give any satisfactory reply. The Court asked a simple query as to how was the petition maintainable in the absence of any cogent proof of threat to their life and liberty to which also he could not give any reasonable answer. The petitioners who are present in person are young children who have never seen the Courts till today and they reasserted that it was only on the firm advice of their counsel that the present petition has been filed. It has been specifically submitted by them that they had informed their counsel that

respondent No.4 has since expired and counsel faced with the above sought apology from the court for filing the present petition and misleading the Court.

7. This Court hopes that such frivolous petitions are not filed in future and the counsel will be more responsible and would seek complete and relevant instructions from the clients before instituting a case.

8. After considering all the above, I find it to be a case to impose exemplary cost upon the counsel for filing this frivolous petition, hence, the counsel for the petitioner is imposed with a cost of Rs.25,000/- which is to be deposited in the following account: -

Account Name – Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund.
Account No. - 41564846387
Bank Name – SBI High Court Branch.

9. Considering the fact that there is no threat perception to the petitioners, the present petition is dismissed.

10. Needless to say that the State is duty bound to protect the life and liberty its citizens.

(ALOK JAIN)
JUDGE

April 23, 2024.

Manju

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No