

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

(125)

CRWP-3966-2024

Date of Decision:-02.05.2024

Seema Rani and another

.....Petitioners

Versus

Union Territory Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Amit Kashyap, Advocate for the petitioners.

Ms. Simsi Dhir Malhotra, A.P.P. U.T. Chandigarh
assisted by ASI Ram Lubhay.

ALOK JAIN, J. (Oral)

1. The present petition has been filed Article 226 of the Constitution of India read with Section 482 Cr.P.C. with a prayer for issuance of writ in the nature of mandamus directing the respondents No. 2 & 3 to provide police protection to the petitioners as the life and liberty of the petitioners is apparently under threat from respondent No. 4 and further to issue directions to respondent No. 4 not to interfere in the married life of the petitioners and further directing the respondents No. 1 to 3 not to register any criminal case against petitioners and family members of petitioner No. 1 arising out of their marriage.

2. Learned counsel for the petitioners has submitted that the petitioners are major and it is their first marriage and despite their best efforts to convince their families, respondent No. 4 who is the mother of petitioner No. 2 has threatened them of dire consequences to the extent of killing them.

CRWP-3966-2024

-2-

3. In light of the threat given to them by respondent No. 4, they had even moved a representation on 29.04.2024 to respondent No. 2 after getting married on 27.04.2024. The said complaint was moved by petitioner No. 1 alleging that her mother-in-law/respondent No. 4 has threatened them and petitioners No. 1 and 2 apprehend danger to their life and liberty and therefore, security be provided. The said representation was sent through courier booked at the High Court premises at 12:15 P.M. on 29.04.2024 and the petition has been filed on 30.04.2024, after getting the affidavits attested on 29.04.2024.

4. The petitioner No. 1 ran away from her house in Patiala and they solemnized marriage on 27.04.2024 against the wishes of the families. Subsequently, there was no threat from the family of petitioner No.1-girl, who are not even made a party to the present petition but the widow mother of petitioner No. 2 has been impleaded as respondent No. 4. It has been further argued that petitioner No. 2 is working in the Department of Health in Chandigarh and petitioner No. 1 is dependent on the income of petitioner No. 2.

5. Shockingly, the learned counsel for U.T. Chandigarh has brought on record the statement of both the petitioners, recorded on 02.05.2024 which brings out a glaring fact that the petitioners had already married in the year 2016 but got divorced in the year 2023. Subsequently, they again got re-married in the year 2024 and there is no threat to their life and liberty, which shows that either the petition is absolutely false, frivolous and concocted or the statement made before the Police Authorities is false.

CRWP-3966-2024

-3-

6. Faced with the above, learned counsel for the petitioners prays for withdrawal of the present petition, as he was not aware that the petitioners were already married in the year 2016, got divorced in the year 2023 and again got re-married in the year 2024.

7. The present petition apparently seems an abuse and misuse of the process of law which has lead to the wasting of precious time of the Court. The petitioners filed this frivolous petition without there being any genuine threat and hence, it is a fit case where the petitioners deserve to be imposed with exemplary cost.

8. Accordingly, the present petition stand dismissed as withdrawn and the petitioners are imposed with a cost of Rs.1,00,000/- for filing this false and frivolous petition in the absence of any credible threat to their life and liberty and for concealing material fact that the petitioners were already married since 2016 and only got re-married in the year 2024. Learned counsel for the petitioners has prayed for reduction of the cost on the ground that the petitioners are poor persons and would not be able to deposit the said amount. Considering the same, the cost is reduced to Rs. 50,000/-.

9. The cost shall be deposited by the petitioners within one month from today in *Poor Patients Welfare Fund, PGIMER, Chandigarh*.

(ALOK JAIN)
JUDGE

May 02, 2024
Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No