



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

CRWP-5195-2024

Date of Decision : **09.07.2024**

SANDEEP KAUR AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mahender Kumar, Advocate,
for the petitioners.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Petitioner no.1, who is already married, having two children, without taking divorce from her earlier wedlock, decided to walk out from her matrimonial relationship, and started living in '*Live-in-relationship*', with petitioner no.2, and having apprehension to their live and liberty, filed criminal writ petition under Articles 226/227 of the Constitution of India for issuance of directions to the official respondents no. 2 and 3 to protect their lives and liberty at the hands of private respondents no.4 to 18.

2. *Prima facie*, this court is of the view that the instant petition has been filed on the basis of a vague and unverified allegations, primarily only to seek a seal of this Court on their relationship.

3. However, considering the issue of threat perceptions to the life and liberty of the present petitioners, this Court vide order dated

31.05.2024, issued notice of motion, and directed the State to evaluate the threat perceptions to the present petitioners and to file a specific status report.

4. Today, learned State counsel has filed a reply dated 07.07.2024, by way of an affidavit of Sh.Jai Bhagwan, DSP, Dabwali, Sirsa, which is taken on record, with a copy thereof supplied to learned counsel for the petitioners.

5. The study survey of the above reply reflects that a thorough inquiry was conducted by the competent authority, and both the petitioners alongwith all the private respondents no.4 to 18, have been examined and their statements were duly recorded. It further reflects that during the inquiry it was transpired that respondents no.5-Gurdeep Singh, had died way back in the year 1996, whereas, respondent no.12-Rana Singh, died on 17.07.2024.

6. The reply further reflects that there is no immediate threat perceptions to the life and liberty of the present petitioners. The relevant extract of the reply reads as under:-

“2. That after receipt of notice of the present writ petition, an enquiry into the allegations contained in the present Criminal Writ Petition was made by the police. During enquiry, the petitioners as well as private respondents No.4,6,8,9,10, 11,13,15,16,17 and 18 were joined in the enquiry and their respective statements were recorded. During enquiry on 11.06.2024, petitioners were joined in the enquiry and their respective statements were recorded, in which they have stated they are major and they are living with each other with their own will and now they have no danger from anyone. English translation of statements of petitioners are annexed herewith as Annexure R-1 and R-2 respectively.

3. That during enquiry on 15.06.2024 private respondents No.4,6,8,9,10,11,13,15,16,17 and 18 were joined in the enquiry and their respective statements were recorded, in which they have stated they have neither issued any threat to the petitioners nor they have objection, where ever petitioner No.1 may stay with her own will. Private respondent No.5 Gurdeep Singh has been stated to had expired on 16.09.1996 and private respondent No.12 Rana Singh

have been stated to have expired on 17.07.2022. English translation of statements of private respondents No. 4,6,8,9,10,11,13,15,16,17 and 18 are annexed herewith as Annexure R-3 to R-13 respectively.

4. That in the enquiry conducted by police the allegations levelled in the present petition have been found to be false. During enquiry no immediate threat to life and liberty is found. The petition is liable to be dismissed.”

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. The entire case of the petitioners is based upon a vague allegations, without there being any substance on record, which could reflect that the petitioners have, in fact any threat perceptions.

9. Further, the instant petition for issuance of a writ of *mandamus* has been filed before this Court, without approaching the competent authority, which is the essential requirement for invoking the writ jurisdiction of this Court. Though in the petition, the petitioners have mentioned that a representation (Annexure P-3), has been preferred on 27.05.2024, to the Superintendent of Police, Sirsa, however, as per the reply (*supra*), no such representation has ever been made by the petitioners. It seems that representation (*supra*), has never been filed before the competent authority, rather the same has been annexed with the instant petition to create an evidence to maintain the instant petition.

10. In view of the above observations, this Court finds that no direction is required to be passed in the instant petition, as there is no immediate threat perceptions to the present petitioners. Therefore, the instant petition is hereby, **dismissed**.

July 09, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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