



CRWP-6275-2024

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

CRWP-6275-2024

Date of Decision:04.07.2024

Sudhir Panchal and another

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shadab Ahmad, Advocate, for the petitioners

Rajesh Bhardwaj, J. (ORAL)

1. The petitioners have filed the present petition under Article 226 of the Constitution of India for issuance of direction to respondents No.2 and 3 to protect the life and liberty of the petitioners and to direct private respondents No.4 to 6 not to harass or interfere in the peaceful life of the petitioners.

2. Learned counsel for the petitioners states that both the petitioners are major and are living in live-in-relationship. He contends that petitioner No.1 is married with Pooja and is father of two children, however, he is living separately from his wife and children and thereafter, both the petitioners have established relationship and decided to marry. He submits that wife of petitioner No.1, namely, Pooja has no objection with this relationship of petitioner No.1 with petitioner No.2. However, petitioner No.2 is unmarried and despite her best efforts, her family members i.e. respondents No.4 to 6 are opposing their relationship and thus, the petitioners have a serious threat from them. He submits that though petitioner No.1 is not legally divorced from his wife Pooja, but she has no



objection, if petitioner No.1 performs marriage with petitioner No.2.

3. After hearing learned counsel for the petitioners and perusing the record, it is deciphered that petitioner No.1 is not only married but he is father of two children. Both the children are living with his wife Pooja. Admittedly, marriage of petitioner No.1 is not legally dissolved by any decree of divorce from his wife Pooja. There is no denial to the fact that both the petitioners are major, however, it is an admitted fact that petitioner No.1 is not legally divorced from his wife. The contention raised by counsel for the petitioner that the petitioners deserve to be granted protection as enshrined under Article 21 of the Constitution of India, is not acceptable.

4. From the facts and circumstances of the case, it is apparent that petitioner No.1 without getting divorce from his wife, has decided to marry petitioner No.2. The duty of the Court in a given case is to find out the truth by seeing behind the curtain. Though the petition has been filed in the form of writ seeking protection under Article 21 of the Constitution of India, however, the same is for the immunity from the legal action to which the petitioners are liable.

5. This Court has already dealt with the issue involved in the present petition in Harpreet Kaur and another vs. State of Punjab and others, in CRWP-10399-2021, decided on 01.01.2021 and has held as under:-

“Perusal of file shows that petitioner No.1 Harpreet Kaur aged about 23 years is legally wedded wife of respondent No.4 Gurjant Singh, and without seeking divorce from her spouse she is living a lustful and adulterous life with petitioner No.2. Once petitioner No.1 is a married woman being wife of respondent No.4-Gurjant Singh, the act of petitioners particularly petitioner No.2 may constitute an offence under



Sections 494/495 IPC. Such a relationship does not fall within the phrase “live-in- relationship” or “relationship” in the nature of marriage.

2. Petitioners have no legal right for protection on the facts of the present case inasmuch as the protection as being asked may amount to protection against commission of offence under Section 494/495 IPC. This petition has been filed just to obtain a seal of this Court on their so called live-in-relationship. On the face of it, the representation (Annexure P-3) appears to be a fake document as no receipt or diary number of the office of Senior Superintendent of Police, Barnala is given or attached.”

6. Thus, this Court finds the present petition having been filed clandestinely to seek the protection and the same is not maintainable, and hence, the same is hereby dismissed.

04.07.2024
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No

(RAJESH BHARDWAJ)
JUDGE