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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-7085-2024
DATE OF DECISION: 25.07.2024

HINA BANO AND ANOTHER ..PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mohd. Salim, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.(Oral)

This petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of Mandamus for directing the respondents No.2 and 3 to protect life and liberty of the petitioners from the hands of respondents No. 4 to 6 and for not harassing the petitioners.

This Court is of the view that the present petition is a frivolous petition and lacking credibility in the pleadings as well which is also not corroborating with the certificates and the photographs at all as well as the contents of the petition being self contradictory does not inspire the confidence of this Court. Further, it seems that an attempt has been made to dupe the Court and such an act cannot be accepted by any Court of law and the same tantamounts to an offence of forgery and contempt of Court by the petitioners.



According to the facts coming forth on the perusal of this petition it is only a concocted story prepared to invoke the territorial jurisdiction of this Court wherein admitted facts are that one of the petitioner belongs to Madhya Pradesh, another is from Punjab whereas the attorney stated to be in the certificate of marriage issued by one Kazi who is a resident of Pinjore. Apart from that, out of two witnesses one is from Uttar Pradesh and another from Rajasthan. The nexus seems to be travelling and inter connected among various States.

This Court has serious doubt on the correctness of the pleadings made in the petition on behalf of counsel for the petitioners. Even on the perusal of the photographs where neither any Kazi is available to be seen nor the witnesses and in the marriage certificate by way of declaration made by the Kazi. It is pointed out that all the above said persons were present at the time of solemnization of the marriage. The photographs placed on record also depicts that the parties to the marriage are sitting on a double bed and signing some documents.

This act would needs to be enquired into in as much as prevailing practice is not only an attempt to mislead the Court but is also damaging the social, moral values, ethics and the traditions on which Indian culture is based upon. This Court would not short to say that each and every law framed by our law framers in the Parliament or any Assembly has the basis of our these ways of life as preached right from the ancient time which led to incorporation of the then Indian Penal Code and now Bhartiya Nyaya Sanhita which is based upon



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purely and primarily on the principles and circumstances prevailing from the ancient time wherein whichever act was found to be not acceptable by the society or was to be considered immoral has been termed and defined as a criminal offence thereof.

In light of the above, this Court cannot shut off his eyes that under the garb of seeking protection by invoking Article 21 of the Constitution of India the whole judicial system and the legal precedents are being ignored.

At this stage, learned counsel for the petitioners prays for withdrawal of the present case.

Allowed as prayed for.

Dismissed as withdrawn.

(SANDEEP MOUDGIL)
JUDGE

25.07.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>