

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 111)

LPA No. 2054 of 2023 (O&M)

Date of decision : 04.01.2024

Nisha and another

.....Appellants

Versus

State of Haryana and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Ms. Pushpinder Kaur, Advocate for the appellants.
Ms. Tanisha Peshwaria, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal originates from the judgment dated 05.12.2023 passed by a learned Single Judge of this Court dismissing the appellants' writ petition through which they had sought protection of their life and liberty.

(2) The learned Single Judge has dismissed the appellants' writ petition primarily on the ground that their petition and representation made by them to the police contained bald and vague allegations with regard to the alleged threat perception being faced by them as also for the reason that their representation made by them to the police through which they sought protection was dated 16.11.2023 and that they had approached this Court on

17.11.2023 *i.e.* without giving any time to the police to respond/verify the contents of their representation.

(3) The learned Single Judge was further of the view that the appellants had invoked the writ jurisdiction of this Court only with the intent of obtaining a seal of approval of this Court to their live-in relationship especially when appellant No.1 was still the legally wedded wife of respondent No.4.

(4) Learned counsel for the appellants has been heard and with her able assistance the record of the case has also been perused.

(5) The representation dated 16.11.2023 made by appellant No.1 to the Superintendent of Police, Kaithal has been carefully scrutinized. It contains no reference of any threat to the appellants by any of the private respondents. The only fear that appellant No.1 has expressed is that since she is still legally married to respondent No.4 and that the appellants are living together they may be embroiled in a false case at the private respondents' instance. That being so, if and when any criminal case is registered against either or both the appellants, they can take recourse to the legal remedies available to them in accordance with law.

(6) Their writ petition also does not disclose any specific instance of any threat by the private respondents.

(7) In the light of the above, the learned Single Judge is found to have rightly dismissed the appellants' writ petition.

(8) Dismissed.

(9) It is clarified that the dismissal of the present appeal shall not preclude the appellants from making a fresh representation to the State

seeking protection of their life and limb in case they feel any threat at the hands of the private respondents, of course, by giving therein details of the threats, if any.

(10) Needless to add that if, as above, any representation is made by the appellants, the State shall act on the same to ensure that no bodily harm is caused to the appellants. However, the afore direction shall not prevent the State from proceeding against the appellants, in case they are alleged to have violated any provision of law.

(DEEPAK SIBAL)
JUDGE

04.01.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No