

CRWP-9114-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

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Date of Decision:-15.09.2023

Binder Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Raminder Singh Dhaliwal, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed with a prayer for issuance of a writ in the nature of *mandamus* for issuing appropriate directions to respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of the private respondents.

2. Learned counsel for the petitioners has submitted that both the petitioners are already married to someone but they are in a live-in-relationship and on 02.09.2023, respondent No.4, who is wife of petitioner No.2 came to the house of petitioner No.2 and extended threats, due to which the petitioners have submitted a representation on 11.09.2023 (Annexure P-3) to The Senior Superintendent of Police, Ferozepur, Punjab-respondent No.2.

3. Learned counsel for the petitioners has relied upon the order

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dated 03.09.2021 passed by this Court in *CRWP-7874-2021 (Paramjit Kaur and another Vs. State of Punjab and others)*, to substantiate his arguments.

4. Heard the learned counsel for the petitioners at length.

5. It is a classic case where petitioner No.1 is a 31 year old lady having a daughter from her husband and is in illicit relationship with petitioner No.2 who is also a married man having one child. The threat perception narrated in this petition is vague and evasive and it apparently seems that the wife of petitioner No.2 caught the petitioners in the promiscuous relationship, which cannot be considered as a threat. The representation dated 11.09.2023 (Annexure P-3) has been sent from the High Court Post Office and nothing is coming forth as to what stopped petitioner No.2 to approach the local Police Station, in case any serious threat had been made to him.

6. The present petition is an abuse of process of law to cover up the illicit relationship of the petitioners on being caught and there is no threat perception as such. If there was any real grievance of the couple against the private respondents, who were allegedly interfering in their live-in-relationship or if there was a threat to their life, they were at liberty to lodge an FIR under Section 154 of Cr.P.C. with the police or move an application under Section 156 (3) of Cr.P.C. before the competent Court or file a complaint case under Section 200 of Cr.P.C. However, neither of the said remedy was availed by the petitioners and only a fictitious representation dated 11.09.2023 (Annexure P-3) was moved to respondent No.2-The Senior Superintendent of Police, Ferozepur, Punjab and,

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thereafter, the present petition has been filed under the garb of writ jurisdiction of this Court to cover up their illicit live-in-relationship.

7. One's choice to live outside wedlock does not mean that married persons are free to live in live-in-relationship with others during subsistence of marriage, as it would amount to transgressing the valid legal framework. Filing of this writ petition appears to be a device adopted to have a seal and signature of this Court on the illegal act of the petitioners violating the norms of pious institution of marriage. There is no factual foundation supported with material to inspire confidence that it is a case of violation of one's fundamental right under Article 21 of the Constitution of India.

8. The order relied upon by the learned counsel for the petitioners *ibid* does not come to his rescue as in the said case, the divorce proceedings were going on between the parties therein out of which an FAO was also pending before this Court.

9. In light of the above, the present petition being devoid of any merit deserves to be dismissed with cost.

10. Accordingly, the present petition is dismissed with cost of Rs.2,500/- to be paid by the petitioners in the **Shaheed Ajit Singh Police Welfare Fund** within one month from the date of passing of this order.

(ALOK JAIN)
JUDGE

September 15, 2023.

sandeep

Whether speaking/reasoned:- Yes

Whether Reportable:- Yes