

CRWP-7348-2023

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

(111)

CRWP-7348-2023
Date of Decision:-27.07.2023

Harpreet Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Himani, Advocate for
Mr. C.S. Rana, Advocate for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of directions to respondent No.2 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 7.

2. Petitioner No.1 is an unmarried lady of 35 years and petitioner No.2 is a married man and they both are claiming themselves to be in a live-in-relationship. Admittedly, petitioner No.2 is married to one Kuldeep Kaur who has, in fact, filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, so that the matrimonial home could be saved. This petition is apparently a crude attempt to seek a stamp of the Court on their illicit relationship, which is barred not only by

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law but also as per the social fabric. There is no threat perception details in this petition for which this Court should exercise its extra-ordinary jurisdiction to protect the life and liberty of the petitioners.

3. It is settled principle of law that the State is duty bound to protect the life and liberty of its citizens but in the present case, the petitioners have chosen not to approach their local police station when they were threatened but approached this Court by sending a representation though dated 22.07.2023 (Annexure P-3) to the Commissioner of Police, Ludhiana. It is a strange case where the representation was moved on 22.07.2023 but the petitioners executed the affidavit on 17.07.2023, which itself creates doubt qua the genuineness of this petition.

4. To substantiate his arguments, learned counsel for the petitioners has relied upon the judgment passed by this Court in **Amandeep Kaur and another Vs. State of Punjab and others, CRWP-10411-2011**, decided on 02.11.2021 to seek support and pray for protection, however, the said judgment is distinguishable as in that case, the parties had also initiated the divorce proceedings, however, in this case, it is contrary whereby the wife of petitioner No.2 has filed a petition under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights and restoration of her matrimonial home.

5. In light of the above, this Court does not find the present petition to be a fit case to exercise the powers conferred under Article 226 of the Constitution of India and the same deserves dismissal with an exemplary cost. However, taking a lenient view, cost is not being imposed.

6. Accordingly, the present petition is dismissed.

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7. Needless to say that State is duty bound to protect the life and liberty of the citizens in case there is any genuine threat perception.
8. It is, however, made clear that this Court has not expressed any opinion on the merits of the case.

(ALOK JAIN)
JUDGE

July 27, 2023.
Sandeep

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