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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6765-2020

Date of decision-03.09.2020

Babita and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sankalp, Advocate for the petitioners.

MANOJ BAJAJ, J.

By means of this writ petition, the petitioners have prayed for a writ of mandamus by way of directions to the official respondents to protect their life and liberty as they apprehend danger at the hands of private respondent Nos.5 to 12.

Briefly, the facts as pleaded in the writ petition are that Babita (petitioner No.1) was married to Manish (respondent No.5) in the year 2008 and two children were born out of this wedlock. Petitioner No.1 was dealt with cruelty by her husband and other members of her in-laws family. She gathered courage ten days back and left the matrimonial home with the help of petitioner No.2. According to the pleadings, the petitioner No.1 left the house as per her own will and is living at different places in the District Jhajjar. The petitioners apprehended that the private respondents would cause harm to them, therefore, they had given representations to official respondent Nos.1 to 3 (Annexures P-1 to P-3) respectively. However, the representations have not been looked into so far and therefore, they have approached this Court for protection of their life and liberty.

Learned counsel for the petitioners contends that the life of the petitioner No.1 had become miserable in her matrimonial home and therefore, there were compelling circumstances for her to leave the company of her husband. It is pointed out that the private respondent Nos.5 to 12 may cause harm to her and petitioner No.2, who rendered his help. He prays that the appropriate directions be issued to the official respondents to provide protection to the petitioners.

After hearing learned counsel for the petitioners, this Court finds that the writ petition does not contain any pleading muchless narration of a cause of action in favour of petitioner No.2 for filing petition along with petitioner No.1. Though the petition is verified by both the petitioners by appending their signatures, but no affidavit in support of the petition has been filed by petitioner No.2. Apart from this, even in the representations submitted to the official respondents, petitioner No.2 has not portrayed any grievance. Resultantly, this Court finds that the writ petition on behalf of petitioner No.2 is without any valid cause of action and therefore, qua him, the petition is dismissed on this ground.

Considering the pleadings and submissions of learned counsel, this Court finds that petitioner No.1 also does not deserve any concession, particularly, when she has failed to explain any reason for leaving the company of her husband. Besides, the petitioner No.1 has given the address of her matrimonial home in the petition, but has claimed that she is residing at different places in district Jhajjar.

During the course of hearing, it is not disputed by learned counsel that no complaint has ever been made by petitioner No.1 either against the husband or any of the other family members of the in-laws. Admittedly, the marriage is 12 years old and the children are also residing

with the father. It does not appeal to prudence that after leaving the matrimonial home, the petitioner No.1 has not contacted her parents, but chose to live alone at District Jhajjar. Except for the bald allegation that respondent No.5 treated the petitioner No.1 with cruelty, no supportive material has been placed on record by her. This Court finds that not only the petition for protection is founded on frivolous grounds, but it also amounts to abuse of the process of law. Apparently, the petitioner has not approached the Court with clean hands and has deliberately suppressed the material facts, therefore, this Court finds that she deserves to be saddled with costs.

In view of the above, this Court does not find any reason to exercise the extra ordinary writ jurisdiction and the petition is dismissed with costs of Rs.25,000/- to be borne by petitioner No.1. It is ordered that the costs be deposited in Bar Council of Punjab and Haryana, COVID-19 Relief Fund, within four weeks from today.

Chief Judicial Magistrate, Rohtak shall ensure the recovery and deposit of the costs.

(MANOJ BAJAJ)
JUDGE

03.09.2020

vanita

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