

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRWP-9352-2021

Date of decision: 30.09.2021

Kavita and another**...Petitioners****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Ms. Vandana Sharma, Advocate
for the petitioners.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Articles 226/227 of the Constitution of India, is for issuance of directions to officials respondents to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 to 6 as the petitioners are in live-in-relationship against the wishes of the private respondents.

Petitioner No. 1 Kavita is aged about 35 years and is legally wedded wife of respondent No. 4 Sunil Dutt, whereas petitioner No. 2 Angrez Singh is aged about 32 years and is legally wedded husband of respondent No. 6 Lakhwinder Kaur.

As per further submissions made in the petition, both the petitioners are loving each other for the last many years and have developed some understanding and liking and for the last one month, they are in live-in-relationship and for this reason, the private respondents are annoyed with them. It is further submitted in para 7 of the petition that petitioner No. 1 has filed a divorce petition (Annexure P-3) but the divorce has not

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been granted so far. A perusal of this petition would show that neither any date is given in the petition seeking divorce nor any date is given in the application seeking grant of interim maintenance. There is no case number mentioned on the said divorce petition. A perusal of this petition (Annexure P-3) would further show that in para 9, it is stated that the husband of petitioner No. 1 has deserted her and neglected by causing mental and physical cruelty.

The averments made in para 9 of the above mentioned petition (Annexure P-3) and para 3 of the present petition are in sharp contrast to each other as in divorce petition, it is stated that husband of petitioner No. 1 has deserted and neglected her, whereas in para 3 of the present petition, it is stated that both the petitioners are loving each other for the last many years.

Even otherwise, in the application/representation dated 27.09.2012 (Annexure P-4), addressed to Superintendent of Police, Kaithal, it is again stated that both the petitioners are loving each other for the last so many years and are in a live-in-relationship for the last one month and they are having apprehensions at the hands of "aforementioned persons", however, a perusal of this representation reveals that no such persons are referred to in the entire representation and nothing is stated as to from whom, the petitioners are apprehending threat.

On the face of it, both the petitioners, without seeking divorce from their respective spouses, i.e. respondent No. 4 and 6, respectively, are living a lustful and adulterous life with each other and have relied upon a totally vague document i.e. representation (Annexure P-4), wherein it is nowhere stated that from whom, they are apprehending threat to their life

and liberty.

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It is worth noticing here that in the absence of any allegation by not naming anyone in the representation, it cannot be presumed that both the petitioners have any apprehension from their own spouses and this petition has been filed just to obtain a seal of this Court on their so called live-in-relationship. On the face of it, the representation (Annexure P-4) appears to be a fake document as no receipt or diary number of the office of Superintendent of Police, Kaithal is given or attached.

In view of the above, the present petition is dismissed.

30.09.2021

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

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