



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

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**CRM-M-22562-2025
Date of Decision: 01.05.2025**

Sahjad

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

1. Seeking launch of criminal prosecution against respondent No.2, who is petitioner's wife and respondent No.3 with whom she married, the petitioner has come up before this Court under Section 379 BNSS read with Section 528 BNSS, 2023.

2. Counsel for the petitioner submits that respondents No.2 and 3 had filed a criminal petition i.e. CRWP No.2696-2025 on 11.03.2025 (Annexure P-4) and got a favourable order from co-ordinate Bench of this Court, vide order dated 19.03.2025 (Annexure P-5), by concealing the material facts.

3. Petitioner's claim is that respondent No.2 is his legally wedded wife and they have two children from their wedlock. Respondent No.3, who is a male is also married. However, respondents No.2 and 3 started live-in relationship without taking divorce from their spouses. They cooked up a story of threat to their lives and filed a criminal petition bearing CRWP No.1692 of 2025 but it was withdrawn on 18.02.2025. After that, respondents No.2 and 3 had filed a similar petition before the Rajasthan High Court and it was registered as S.B. Criminal Writ Petition No.313 of 2025. Later on, both respondents No.2 and 3 filed another criminal writ petition before this Court, which was registered as CRWP No.2696 of 2025 and the same was disposed of by a co-ordinate Bench of this Court, vide order dated 19.03.2025, by directing the Superintendent of Police, Nuh, Mewat to decide the representations dated 15.02.2025, 09.03.2025 and 11.03.2025 by passing a speaking order in accordance with law within a period of three weeks from the date of receipt of certified copy of that order.

4. The petitioner's grievance is that while filing the said criminal writ petition, they concealed the facts of filing of the earlier criminal writ petition in Rajasthan High Court.

5. I have heard counsel for the parties and gone through the record.



6. Undoubtedly, respondents No.2 and 3 did not mention about filing of earlier petition but there is nothing to prove that what was the malafide intention of private respondents to do so. Even if, there was threat to their life, there is nothing to believe that they had any malafide intention and what respondents No.2 and 3 were seeking was only enforcement of their fundamental right of Article 21 of the Constitution of India. If there is threat to life, it is not a continuing action, threat may come time and again. Whenever, the victim/applicant feels threat to his life, he may approach for protection, threat may be from different person, at different place and time. So there is no necessity for the respondent to mention the fact in their petitions or detail of all those petitions. Being Indian citizen they have right to knock the door of Court for protection of their fundamental right to life and liberty, whether they are married or in live-in-relationship.

7. The above said discussions and the factual background clearly point out that the petitioner has failed to make out any prima facie case or to convince this Court to take action against respondents No.2 and 3 under Section 379 BNSS and matter is not worth issuing notice.

8. **Petition dismissed.** All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.05.2025
Jyoti-II

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>