

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

CRM-M-30445 of 2016 (O&M)

Date of decision : 31.08.2016

Nasra and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mohd. Salim, Advocate
for the petitioners.

Petitioners in person.

JITENDRA CHAUHAN, J. (Oral)

Learned counsel for the petitioners contends that the petitioners are major and are in a live-in relationship. Their relationship is opposed by respondent Nos.4 to 10. They further submit that marriage of petitioner No.1 was solemnized with respondent No.4 in the year 2003 and two children were born out from this wedlock but her husband is a habitual drunkard and daily gave beatings to her. She was shunted out from the matrimonial house on 12.07.2016 and even tried to kill her.

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, D.A.G., Punjab, accepts notice on behalf of the respondent-State of Punjab. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Concededly, both the petitioners are major and, as such, they are free to live in accordance with their free will and no third person has a right to peep into and disturb their personal life. Similarly, no person has a right to cause any harm to the petitioners. In a latest pronouncement, Hon'ble the Supreme Court in the matter of **Indra Sarma vs. V.K.V. Sarma**, 2014 (1) R.C.R. (Civil) 263, held that live-in or marriage-like relationship is neither a crime nor a sin though socially unacceptable in this country. The decision to marry or not to marry or to have a heterosexual relationship is intensely personal. In **Lata Singh vs. State of U.P. and another**, 2006 (3) R.C.R. (Criminal) 870, in para 14 of the judgment, Hon'ble the Supreme Court held that *“this case reveals a shocking state of affairs. There is no dispute that petitioner is major and was at all relevant times a major. Hence, she is free to marry anyone she likes or live with anyone she likes. There is no bar to an intercaste marriage under the Hindu Marriage Act or any other law. Hence, we cannot see what offence was committed by the petitioner, her husband or husband's relatives.”*

Without expressing any opinion on the merits of the assertions made in the petition, the instant petition is disposed of with

the direction to respondent No.2- Commissioner of Police, Ludhiana, to consider and decide the representation dated 12.07.2016 (Annexure P-4) of the petitioners and provide necessary protection to the petitioners, if he is satisfied that the life and liberty of the petitioners is threatened at the hands of respondent Nos.4 to 10, in accordance with law.

Disposed of.

31.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No