

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

**CRWP No.7192 of 2020 (O&M)
Date of decision : September 15, 2020**

Suman and another Petitioners

Versus

State of Punjab and others Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. H.S. Baath, Advocate for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to respondents No.2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 and 5, not to harass or interfere in the peaceful life of the petitioners.

A bare perusal of the paper book shows that both the petitioners claim to be residing together but separately from their parents, without getting married. Accordingly, it is submitted that they are in 'live-in' relationship and therefore, they are apprehending threat at the hands of the private respondents. Hence the police be directed to protect their life and liberty.

The act and conduct of the petitioners reveal that the petitioners are brave by heart and they do not feel any pressure or restrictions of the social norms. Hence, they are possessing above-average traits of resistance against fear. As a corollary, they would not feel threatened in ordinary

course. For claiming protection by them there has to be some specific aspect to show that there is any extra threat to the petitioners. There is nothing on record to show any kind of threat to the petitioners from anybody, besides the bald assertions made by them in the petition.

Although, the petitioners claim to be in 'live-in' relationship and claim a right to have free sexual relations, however, this Court is of the view that this is not even the issue involved in this case. So far as their free sexual relation is concerned, it is their personal choice, which nobody is objecting to. However, the petitioners cannot claim anything attributing the same to a 'live-in' relationship. The concept of 'live-in' relationship has been devised by the Hon'ble Supreme Court not as a licence for prostitution or as a right for free sex, rather the same has been devised only as a measure of protection to the partner of weaker sex in the so called 'live-in' relationship. That concept has been devised only to confer some rights upon the female partner of as alleged 'live-in' relation by treating the said relationship 'in the nature of marriage'. However, those rights under 'live-in' relationship are available only to the female partner and for limited purposes. Even for a 'live-in' relationship to be recognized 'in the nature of marriage', it has to be sufficiently long and established relationship, wherein both the partners treat themselves as husband and wife. In the present case, it is not even the case of the petitioners that they have been living as husband and wife for any long time or that they have married. There would not have been anything to stop the petitioners from getting married. However, they have chosen not to resort to that institution of marriage. Hence, the petitioners cannot take advantage of any concept of 'live-in' relationship.

In view of the above, but without commenting anything more on merits of the case, the present petition is dismissed.

September 15, 2020

sarita

Whether speaking / reasoned

Whether Reportable:

Yes / No

Yes / No

(RAJBIR SEHRAWAT)

JUDGE