

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Writ Petition No. 9102 of 2020

Date of Decision: 04.11.2020

Priyanaka Rani and Another

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Balkar Singh, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for respondents No. 1 to 3.

Mr. S.S.Dinarpur, Advocate
for respondents No. 4 and 5.

Anil Kshetarpal, J.

This petition has been filed under Article 226/227 of the Constitution of India, seeking directions to respondent No. 2 and 3, to protect the life and liberty of the petitioners from respondent No. 4 and 5.

Petitioner No.2-Jasbir Singh is married to Kavita, daughter of Dharampal, since 2012. The couple has two children. He claims that he developed liking for petitioner No.1-Priyanka Rani and entered into an agreement of live-in-relationship, on 30.10.2020. It has further been pleaded that his parents are happy with the relationship between the petitioners.

On a court question, learned counsel for the petitioners have failed to draw the attention of the Court to the permission of the wife of petitioner No.2. It has been noticed that under the garb of the protection of life and liberty, a large number of petitions are being filed seeking to validate such cohabitation which are against the norms of the society. Such illicit cohabitation may not fall within the definition of adultery under Section 497

IPC to constitute an offence, however, if permitted, would result in serious

adverse consequences to the institution of marriage. There is total absence of pleadings with regard to the arrangements made by petitioner No.2, for maintenance of his legally wedded wife and the children. There is also no pleadings with regard to the fact that since when the petitioner No.2 and his wife are living separately. However, the petitioners have annexed an agreement dated 30.10.2020, described as Live-in-Relationship Deed. The alleged representation submitted by the petitioners for the protection of their life and liberty is also dated 30.10.2020. Petitioner No.2, admittedly, has two innocent children; one aged about 8 years and second aged about 1½ year. The primary responsibility of the petitioner No.2 is to maintain his immediate family i.e. married wife and his children. However, there are no pleadings to that effect.

Keeping in view the aforesaid facts, this Court is of the considered view that the present petition deserves to be dismissed with costs.

In view of the above, the present petition is dismissed with the costs of ₹ 50,000/-, to be deposited by the petitioners with the “Poor Patients Welfare Fund” of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website “www.pgimer.edu.in”, within a period of one month from the date of receipt of a copy of this order.

(Anil Kshetarpal)
Judge

November 04, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No