

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

CRWP No.9182 of 2020 (O&M)
DATE OF DECISION: 06.11.2020

Mukti and another

.....Petitioners

versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Swati Verma, Advocate for the petitioners

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

The prayer made in the present Criminal Writ Petition is for enforcement of the fundamental rights of the petitioners as envisaged under Article 21 of the Constitution of India.

The case set up by the petitioners is that both the petitioners are major, the date of birth of petitioner No.1 being 23.04.1999 and that of petitioner No.2 being 26.01.2001. It has been averred in the petition that the petitioners were in love and that the relatives of petitioner No.1, who have been arrayed as respondent Nos.4 to 9 herein, did not approve of their relationship, though petitioner No.1 tried her best to convince respondent Nos.4 to 9 for her marriage with petitioner No.2 but in vain. Thereafter, finding no other alternative, the petitioners decided to move in together and started living in a live-in relationship since 18.10.2020. It is further the case of the petitioners that since respondent Nos.4 and 9 are against their live-in relationship, they fear for their life and liberty at the hands of the private respondents. The petitioners are also stated to have filed a representation (Annexure P-3) to the Commissioner of Police, Ludhiana on 20.10.2020 seeking protection of their life and liberty. However, no action has been taken on the said representation till date.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice on behalf of respondent Nos.1 to 3.

In the present case, this Court, without expressing any opinion on the validity of the relationship of the petitioners, is required to consider whether the apprehension of the petitioners needs to be addressed. Petitioner No.1 in the present case is 21 years of age and is major. She is well within her right to decide for herself what is good for her and what is not. She has decided to take a step to be in a live-in relationship with petitioner No.2, who is also major, though may not be of a marriageable age. Be that as it may, the fact remains that both the petitioners in the present case are major and have a right to live their life on their own terms.

The petitioners in the present case are seeking protection of their life and liberty as envisaged under Article 21 of the Constitution of India. Article 21 of the Constitution of India provides for protection of life and personal liberty and further lays down that no person shall be deprived of his or her personal liberty except as per the procedure established by law. In the present case, no doubt petitioner No.2 is not of a marriageable age, however, he is major. Merely because of the fact that petitioner No.2 is not of a marriageable age the petitioners cannot possibly be denied of their fundamental rights as envisaged under Article 21 of the Constitution of India. The petitioners, both being major, have decided to live together in a live-in relationship and there possibly cannot be any reason for the respondents to object to the same.

In view of the above and without expressing any opinion with regard to the veracity of the contents of the petition and the submissions

made by learned counsel for the petitioners, the present petition is disposed off with a direction to the Commissioner of Police, Ludhiana (respondent No.2) to decide the representation dated 20.10.2020 (Annexure P-3) and take necessary action as per law.

It is, however, made clear that any observations made above shall neither be treated as a stamp of this Court qua the relationship between the petitioners nor as an opinion on the contentions raised in the present petition and also shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

06.11.2020
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NOTE:

**Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**