

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

CRWP No.385 of 2021 (O&M)
DATE OF DECISION: 14.01.2021

Meenakshi and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ankit Rana, Advocate for the petitioners

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

The present criminal writ petition has been filed under Article 226/227 of the Constitution of India for enforcement of fundamental right of the petitioners seeking protection of their life and liberty as enshrined under Article 21 of the Constitution of India.

In brief, the relevant facts, as stated in the petition, are that both the petitioners are major, the date of birth of petitioner No.1 being 10.10.2002 and that of petitioner No.2 being 05.07.2000 (copies of their Aadhaar Cards are appended as Annexures P-1 and P-2, respectively). However, petitioner No.2 has not attained marriageable age. It is further stated that the petitioners were having a love affair for two years and now both of them are living together in a live-in-relationship. Respondent Nos.4 to 6, who are family members of petitioner No.1, are not happy with the petitioners' live-in-relationship and have been threatening the petitioners

with dire consequences. It is further alleged that respondent No.4 is in the Police Department and the petitioners apprehend that they may be got implicated in some false case. The petitioners have also submitted a representation dated 11.01.2021 (Annexure P-3) in this regard to respondent No.2. However, no action has been taken.

The learned counsel for the petitioners would contend that the petitioners are living in constant fear of their elimination or implication in some false case by the private respondents. However, at this stage, the petitioners would be satisfied if a direction is given to respondent No.2 to decide the representation dated 11.01.2021 (Annexure P-3) filed by them in a time-bound manner.

Notice of motion to the officials respondents only. In view of the limited prayer made by learned counsel for the petitioners, the service on the remaining respondents is dispensed with.

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 what needs to be considered is that there is an apprehension which has been expressed by the petitioners which needs to be addressed. Petitioner No.2 is not of marriageable age. He, however, has attained the age of majority. Both the petitioners, who are otherwise major, have taken a step to be in a live-in-relationship. However, it appears that their relationship is not acceptable to the private respondents and they have been threatening the petitioners.

In the present case, this Court, without expressing any opinion regarding 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 being major has decided to be in a live-inrelationship with petitioner No.2, who is also major though may not be of marriageable age. Be that as it may, the fact remains that both the petitioners are major and have decided to live their lives on their own terms. The private respondents cannot dictate to petitioner No.1 as to how and with whom she chooses to spend her life. The parents cannot compel a child to live a life on their terms. Every adult individual has a right to live his or her life as he or she deems fit.

The petitioners are both major and have every right to live their lives as they desire within the four corners of the law. The society cannot determine how an individual should live her or his life. The Constitution of India guarantees every individual the right to life and the choice of a partner is an important facet of the right to life.

The petitioners 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. No doubt petitioner No.2 is not of marriageable age. However, admittedly, he is major. Merely because of the fact that petitioner No.2 is not of a marriageable age, the petitioners cannot possibly be denied enforcement 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 justifiable 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 Senior Superintendent of Police, Hoshiarpur (respondent No.2) is directed to decide the representation dated 11.01.2021 (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 approval by 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**

14.01.2021
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NOTE:

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