

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

**CRWP-381-2021(O&M)
Date of decision : 14.01.2021**

MANISHA BABU AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Pardeep Panwar, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present criminal writ petition has been filed under Article 226 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 narrated in the petition are that both the petitioners are major. In support of age-proof, Aadhaar Cards of petitioner Nos.1 and 2 have been annexed with the petition as Annexures P-1 and P-2, respectively. It is stated that parents of petitioner No.1 were trying to marry the petitioner No.1 against her wishes. However, she did not agree and ran away from the house of her parents on 14.11.2020 and has now been living with petitioner No.2 in a live-in-relationship since then. However, their relationship is not acceptable to respondent Nos.4 to 7, who are the parents/brother of No.1 and mother of petitioner No.2. The private respondents are threatening to eliminate the petitioners. The petitioners also moved a representation dated 08.01.2021 (Annexure P-3)

to the Superintendent of Police, Rohtak (respondent No.2). However, no action has been taken thereon.

The learned counsel for the petitioners would contend that the petitioners are living in constant fear of their elimination or implication in some false 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 08.01.2021 (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. Naveen Singh Panwar, DAG, Haryana has joined the session through video conferencing and accepts notice on behalf of respondent Nos.1 to 3.

Heard learned counsel for the parties.

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 more than 18 years of age and is a 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 a major. 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 private respondent Nos.4 and 5 being father and mother of petitioner No.1, who

is a major, cannot dictate to petitioner No.1 how and with whom she chooses to spend her life. Parents cannot compel a child to live her or his life on their terms. Every adult individual has a right to live her or his life as he or she deems fit. The mother of petitioner No.2 and the brothers of petitioner no.1 also cannot dictate to the petitioners how they should live their life. 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.

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. In the matter of *Shafin Jahan vs. Asokan K.M., (2018) 16 SCC 368*, the Supreme Court reiterated the right of choice of an adult. It was *inter alia* held:-

“76. The right to marry a person of one's choice is integral to Article 21 of the Constitution. The Constitution guarantees the right to life. This right cannot be taken away except through a law which is substantively and procedurally fair, just and reasonable. Intrinsic to the liberty which the Constitution guarantees as a fundamental right is the ability of each individual to take decisions on matters central to the pursuit of happiness. Matters of belief and faith, including whether to believe are at the core of constitutional liberty. The

Constitution exists for believers as well as for agnostics. The Constitution protects the ability of each individual to pursue a way of life or faith to which she or he seeks to adhere. Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. The law may regulate (subject to constitutional compliance) the conditions of a valid marriage, as it may regulate the situations in which a marital tie can be ended or annulled. These remedies are available to parties to a marriage for it is they who decide best on whether they should accept each other into a marital tie or continue in that relationship. Society has no role to play in determining our choice of partners.”

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. The petitioners cannot possibly be denied enforcement of their fundamental rights as envisaged under Article 21 of the Constitution of India.

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 Superintendent of Police, Rohtak (respondent No.2) is directed to decide

the representation dated 08.01.2021 (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 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.

January 14, 2021

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**(ALKA SARIN)
JUDGE**

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