

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

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CRWP-410-2021 (O&M)

Date of decision : 18.01.2021

Kanika and Another

.....Petitioners

Vs.

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. M.M.Pandey, Advocate for the petitioners.

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 narrated in the petition are that both the petitioners belong to different communities. Petitioner No.1 is aged more than 19 years and petitioner No.2 is aged more than 18 years. In support of age-proof, Matriculation Certificate of petitioner No.1 and the Aadhaar Card of petitioner No.2 have been annexed with the petition as Annexures P-1 and P-2, respectively. Both the petitioners have executed 'Deed of Live-in Relationship' on 31.12.2020. Since the behavior of respondent Nos.4 and 7, who are the parents and brother and sister of petitioner No.1, was not good towards petitioner No.1 and they gave beatings to petitioner No.1, she (petitioner No.1) started living with

petitioner No.2 in a live-in relationship since petitioner No.2 has not attained marriageable age. However, their relationship is not acceptable to respondent Nos.4 to 7 and they are threatening petitioner No.1 to leave the company of petitioner No.2 otherwise they would implicate petitioner No.2 in some false case. It is further stated that respondent Nos.4 to 7 are trying to eliminate the petitioners and, as such, the petitioners moved a representation dated 11.01.2021 (Annexure P-6) to the Superintendent of Police, Hisar (respondent No.2). However, no action has been taken thereon.

Notice of motion.

On the asking of the Court, Mr. Naveen Singh Panwar, Deputy Advocate General, 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 19 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 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 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 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 a 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 legally 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 Superintendent of Police, Hisar (respondent No.2) is directed to decide

the representation dated 11.01.2021 (Annexure P-6) 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 shall also have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off accordingly.

January 18, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No