

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

CRWP No.691 of 2021

Date of Decision: 25.01.2021

Mafi and another

....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Neeraj Kumar, 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 lives 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 01.05.2002 and that of petitioner No.2 being 28.03.2001 as per their age proofs (Annexures P-1 and P-2). It is further stated that the petitioners are known to each other. Though petitioner No.2 has not attained marriageable age, they have started living together in live-in relationship w.e.f. 18.01.2021 and entered into an agreement dated 18.01.2021 to this effect. However, their relationship is not acceptable to respondent Nos.4 to 8 and they are threatening the petitioners with dire consequences and, as such, the petitioners moved a representation dated 18.01.2021 (Annexure P-4) to the Superintendent of Police, Jind (respondent No.2). However, no action has been taken thereon. The counsel for the petitioners would further contend that he limits his prayer in the present petition and would be satisfied, at this

stage, if directions are issued for deciding the said representation in accordance with law.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, AAG, Haryana has joined the session through video conferencing and accepts notice on behalf of respondent Nos.1 to 3. Since the matter is not being decided on merits, the service on other respondents is dispensed with.

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 redressed. 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 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 lives on their own terms. The private respondent Nos.4 to 8 being relatives of petitioner No.1, who is a major, cannot dictate to her how and with whom she should 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. A person with whom someone chooses to spend his or her life with cannot be determined by what society wants. Parents don't accept their daughter's choices only because of fear that it is not acceptable to the society.

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 lives 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, Jind (respondent No.2) is directed to decide the representation dated 18.01.2021 (Annexure P-4) 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.

(ALKA SARIN)
JUDGE

25th January, 2021
jk

Whether speaking/reasoned Yes/No

Whether reportable Yes/No