

CRWP-1488-2021

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

CRWP-1488-2021

Date of Decision: 12.02.2021

Kulwinder Kumari and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manpreet Singh Dua, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through Video Conferencing.

This petition has been filed under Article 226 of the Constitution read with Section 482 Cr.P.C. for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 10.

Learned counsel for the petitioners states that though petitioner No.1 is major yet petitioner No.2 is minor. They want to live together in a live-in relationship and to marry with each other on attaining the marriageable age of petitioner No.2. They have sought protection to their life and liberty as they apprehend danger at the hands of respondents No.4 to 10. The petitioners have submitted a representation dated 27.01.2021 (Annexure P-3) to respondent No.2-Senior Superintendent of Police, Gurdaspur.

In support of his contentions, learned counsel for the petitioners

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relies upon the judgments passed by the Hon'ble Supreme Court in '*Nandakumar and another Vs. State of Kerala and others*' 2018(2) RCR (Civil) 899, wherein it was held that even if the boy was not competent to enter into wedlock, they have right to live together even outside wedlock. It would not be out of place to mention that 'live-in-relationship' is now recognized by the Legislature itself. He also relies upon the judgment passed by a Coordinate Bench of this Court in CWP-31834-2019 titled as '*Megha and another Vs. State of Haryana and others*' decided on **04.11.2019**.

Notice of motion to respondents No.1 to 3-State only at this stage.

On the asking of this Court, Ms. Samina Dhir, DAG, Punjab, accepts notice on behalf of respondents No.1 to 3.

I have heard learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law. It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. Mere fact that petitioner No.2 is not of marriageable age would not deprive the petitioners of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above and without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the present petition with a direction to respondent No.2-Senior Superintendent of Police, Gurdaspur, to decide the representation dated

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27.01.2021 (Annexure P-3) moved by the petitioners, and grant protection to them, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any, committed by them.

12.02.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No