

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-5364-2021

Date of Decision: 16.06.2021

Nirbhey Singh and another

..Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Impinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. D.A.G., Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners, claiming to be in live-in-relationship, are before this Court seeking issuance of an appropriate writ and/or directions to protect their lives and liberty apprehending threat from the parents and relatives of female partner (petitioner No.2), who are stated to be not happy with their relationship.

On a pointed court query with regard to the status of previous marriage of the live-in partners, learned counsel representing them states that as has been pleaded in the petition, the petitioner No.1 (male partner) is though married but his wife has deserted him to live with another partner. Out of his wedlock, he has two children i.e. son aged 19 years old and daughter aged 16 years old, who are in his custody. While on the other hand, petitioner No.2 is stated to be a widow and out of her wedlock she too is blessed with two children i.e. two sons aged 12 years and 7 years, respectively.

Learned counsel for the petitioners submits that the live-in-relationship is merely for the sake of better upbringing of the four children. Both the petitioners have decided to live under the same roof for providing them better co-parenting.

Be that as it may, while the intention of both the petitioners may have been noble, one doesn't know though, but what seems to be

incongruous on the part of petitioner No.1 is that he has taken no steps till date to file appropriate matrimonial proceedings seeking divorce on the ground of desertion and/or otherwise as provided under the Hindu Marriage Act, 1955. He claims that he has been compelled to provide motherly care to his children through petitioner No.2, since his wife has deserted him. But from his inaction to legitimately end his matrimonial alliance from the biological mother of his children, there appears to be lack of *bona fides* on his part.

In the premise, no grounds to interfere are made out.

In the parting, however, in order to avoid any possibility of the petitioner No.2 being put to any unnecessary perils and/or having been misled by petitioner No.1, who has started living with him, it would be travesty of justice in case she has to suffer any risk to her life and/or liberty and therefore, she deserves to be protected to that extent.

Accordingly, respondent No.2-Senior Superintendent of Police, Sri Muktsar Sahib, District Sri Muktsar Sahib, shall look into the threat perception of petitioner No.2 and in case, so warranted, provide her with mobile number of a lady police official to whom she can approach, in case of any untoward incident at odd hours, in case, she feels any threat to her life.

It is clarified that this order shall neither be treated as a stamp of approval by this Court qua the self proclaimed relationship of the petitioners nor any reflection on the merits of the contentions raised by them in their petition. Disposed of accordingly.

16.06.2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No