

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

CRWP-5487-2021

Date of decision : 23.06.2021

Paramjeet Kaur and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Hariom Sharma, Advocate
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This petition has been filed by the petitioners namely, Paramjeet Kaur and Rajesh Kumar praying for protecting their life and liberty and restraining the private respondents No.4 to 7 from harassing and interfering in their peaceful life.

It has been contended that petitioner No.2 is divorcee and he has been granted a decree of divorce vide order dated 17.12.2019 passed in a petition titled as Chanchal Rani Vs. Rajesh Kumar. So far petitioner No.1 is concerned, there is no legal separation between her and her husband. However, it has been contended that they are separated by a resolution dated 16.03.2021 which has been signed before the Panchayat. They have further contended that they both are major and they have liking for each

other and hence, both are living in live-in-relationship. It has been contended that the local police and respondents No.4 to 7 are harassing the petitioners and thus, they are running from pillar to post in order to save their lives. They have filed a representation for the redressal of their grievances.

It is evident that both the petitioners are above the age of 18 years. The live-in-relationship nowadays is not a new phenomena but the society has not evolved to the extent of accepting such relationship without raising the eyebrows to such relationship. The Hon'ble Supreme Court has dealt with this issue in a case titled as Nandakumar and another Vs. The State of Kerala and others bearing Criminal Appeal No.597 of 2018 decided on 20.04.2018. It has been observed by the Hon'ble Supreme Court which is reproduced as under:-

“We need not go into this aspect in detail. For our purposes, it is sufficient to note that both appellant No. 1 and Thushara are major. Even if they were not competent to enter into wedlock (which position itself is disputed), 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 which has found its place under the provisions of the Protection of Women from [Domestic Violence Act, 2005](#).

The Court also emphasised due importance to the right of choice of an adult person which the Constitution accords to an adult person as under:

“54. It is obligatory to state here that expression of choice in accord with law is acceptance of individual identity. Curtailment of that expression and the ultimate action emanating therefrom on the conceptual structuralism of obeisance to the societal will destroy the individualistic entity of a person. The social values and morals have their space but they are not above the constitutionally guaranteed freedom. The said freedom is both a constitutional and a human right. Deprivation of that freedom which is ingrained in choice on the plea of faith is impermissible. Faith of a person is

intrinsic to his/her meaningful existence. To have the freedom of faith is essential to his/her autonomy; and it strengthens the core norms of the Constitution. Choosing a faith is the substratum of individuality and sans it, the right of choice becomes a shadow. It has to be remembered that the realization of a right is more important than the conferment of the right. Such actualization indeed ostracises any kind of societal notoriety and keeps at bay the patriarchal supremacy. It is so because the individualistic faith and expression of choice are fundamental for the fructification of the right. Thus, we would like to call it indispensable preliminary condition.

55. Non-acceptance of her choice would simply mean creating discomfort to the constitutional right by a Constitutional Court which is meant to be the protector of fundamental rights. Such a situation cannot remotely be conceived. The duty of the Court is to uphold the right and not to abridge the sphere of the right unless there is a valid authority of law. Sans lawful sanction, the centripetal value of liberty should allow an individual to write his/her script. The individual signature is the insignia of the concept.”

Thus, time and again Hon'ble Apex Court as well as various other High Courts have accepted the live-in-relationship and have come to the rescue of the couple as enshrined under Article 21 of the Constitution of India. Though issue raised by the petitioners in the petition is qua their live-in-relationship and their fundamental right to their life and liberty as enshrined in Article 21 of the Constitution of India but the Court is concerned only with their right under Article 21 of the Constitution. Hence, there is no reason not to address the grievances raised by the petitioners qua the same. As a result, Superintendent of Police, Kurukshetra is directed to take into consideration the contentions raised by the petitioners in the representation (Annexure P-3) and assess the threat perception if any to the petitioners. In case the allegations are found to be substantiated then the

requisite action be taken in accordance with law. However, the Court is concerned only with the right to life and liberty, subject to the just exceptions, of the petitioners. Thus, this Court deems fit that respondent No.2 should look into the grievances raised by the petitioners in accordance with law.

It is being clarified that observations given hereinabove shall not be understood having provided any immunity to the petitioners from any legal action, if they are found to have committed any violation under the law.

Petition is disposed of.

(RAJESH BHARDWAJ)
JUDGE

23.06.2021
m.sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No