

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

CRWP-5835-2021

Date of decision-29.06.2021

Gurdeep Singh and another

....Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Sharma Nabhewala, Advocate
for the petitioners.

MANOJ BAJAJ, J.

The petitioners have filed this criminal writ petition under Article 226 Constitution of India for issuance of a writ in the nature of mandamus for directions to the official respondent Nos.1 to 5 for protection of their life and liberty from private respondent Nos.6 to 8.

Learned counsel for the petitioners has argued that the petitioners are major, who are residing together in live-in-relationship and the private respondent Nos.6 to 8 (mother and sisters, respectively, of petitioner No.1) have no right to interfere in their peaceful life. According to Mr. Ashok Sharma, learned counsel for the petitioners, Article 21 Constitution of India guarantees right to life to every citizen, therefore, the action of the private respondents is bad in law. He has invited the attention of the Court to the representation dated 15.06.2021 (Annexure P-8) submitted before Director General of Police,

Chandigarh, and submitted that as no action has been taken upon the same, so the necessary directions for providing protection to the petitioners be issued.

During the course of hearing, it is not disputed by learned counsel that petitioner No.2, who is 37 years old, is already married to Karanjit Singh @ Karanjit Singh Cheema son of Kulwant Singh and a divorce petition is pending at Amritsar. According to him, as and when marriage of petitioner No.2 is dissolved, the petitioners would formally perform the marriage. In support of his claim, learned counsel for the petitioners has relied upon the decision of the Hon'ble Supreme Court delivered on 04.06.2021 titled as “**Gurwinder Singh and another Vs. State of Punjab and others**”, and the decisions dated 18.05.2021 & 07.06.2021 passed by this Court (Annexures P-10 to P-12, respectively).

After hearing learned counsel for the petitioners, this Court finds that though the petitioners are major but their relationship has developed recently on 21.05.2021, who are residing together only for the last few days. This Court has already examined the issue of live in relationship between two adults in **CRWP-5212-2021**, titled as “**Daya Ram and another Vs. State of Haryana and others**”, wherein it was observed that mere residing together for few days, would not be enough to accept the claim of live in relationship. The relevant portion of the

said judgement is re-produced below:-

“No doubt, the other concept of live-in-relationship between two adults of opposite gender has got recognition in India also, as the legislature has injected some legitimacy in this kind of alliance, while promulgating “Protection of Women from Domestic Violence Act, 2005” and liberally defined “domestic relationship” in Section 2(f). However, despite this elasticity, some sections of the society are reluctant to accept such kinds of relationship. It has to be constantly borne in mind that the length of the relationship coupled with discharge of certain duties and responsibilities towards each other makes such relationship akin to the marital relations. The Hon'ble Supreme Court in (2013) 15 Supreme Court Cases 755 (Indra Sarma Versus V.K.V.Sarma), has already discussed the nature of live-in-relationship and made the following observations:-

“56. We may, on the basis of above discussion cull out some guidelines for testing under what circumstances, a live-in relationship will fall within the expression “relationship in the nature of marriage” under Section 2(f) of the DV Act. The guidelines, of course, are not exhaustive, but will definitely give some insight to such relationships.

56.1 Duration of period of relationship- Section 2(f) of the DV Act has used the expression “at any point of time”, which means a reasonable period of time to maintain and continue a relationship which may vary from case to case, depending upon the fact situation.

56.2 Shared household- The expression has been defined under Section 2(s) of the DV Act and, hence, need no further elaboration.

56.3 Pooling of Resources and Financial Arrangements Supporting each other, or any one of them, financially, sharing bank accounts, acquiring immovable properties in joint names or in the name of the woman, long term investments in business, shares in separate and joint names, so as to have a long standing relationship, may be a guiding factor.

56.4 Domestic Arrangements-Entrusting the responsibility, especially on the woman to run the

home, do the household activities like cleaning, cooking, maintaining or upkeeping the house, etc. is an indication of a relationship in the nature of marriage.

56.5 Sexual Relationship- Marriage like relationship refers to sexual relationship, not just for pleasure, but for emotional and intimate relationship, for procreation of children, so as to give emotional support, companionship and also material affection, caring etc.

56.6 Children- Having children is a strong indication of a relationship in the nature of marriage. Parties, therefore, intend to have a long standing relationship. Sharing the responsibility for bringing up and supporting them is also a strong indication.

56.7 Socialization in Public- Holding out to the public and socializing with friends, relations and others, as if they are husband and wife is a strong circumstance to hold the relationship is in the nature of marriage.

56.8 Intention and conduct of the parties- Common intention of parties as to what their relationship is to be and to involve, and as to their respective roles and responsibilities, primarily determines the nature of that relationship.”

A reading of the above clearly indicates that to attach legitimate sanctity to such a relation, certain conditions are required to be fulfilled by such partners. Merely because the two adults are living together for few days, their claim of live-in-relationship based upon bald averment may not be enough to hold that they are truly in live-in-relationship.”

The decisions relied upon by learned counsel for the petitioners have already been distinguished in the said case and are not applicable in the facts and circumstances of the present case.

A perusal of the petition further reveals that previously also, petitioner No.1 had levelled similar allegations against his mother

and sisters on the ground that they are bent upon to deprive him of his rights in the property, through CRWP-2180-2021 filed for protection and the same was dismissed as withdrawn on 04.03.2021. The said writ petition was based upon the representation dated 24.02.2021 (Annexure P-2), wherein the petitioner No.1 adversely commented upon the character of his mother and had set up his claim for protection on the basis of infringement of his right in property. Though as per averments in paragraph 20 of the writ petition, the said writ petition was withdrawn as respondent No.2 had sent a communication dated 26.02.2021, assuring necessary action upon the request of the petitioner No.1, but, strangely, the order dated 04.03.2021 reveals that after arguing for sometime, learned counsel for the petitioner had chosen to withdraw the petition without even bringing into notice of this Court the said communication dated 26.02.2021.

The present writ petition filed by Gurdeep Singh along with Amandeep Kaur (petitioner No.2) is founded upon the fresh representation dated 15.06.2021 (Annexure P-8), which echoes the voice of the earlier representation dated 20.05.2021, but is based upon the threat to life, instead of the alleged violation of his right in the property. A reading of this representation further reveals that the same is vague and lacks all kinds of particulars and does not at all even describe the alleged manner and mode of alleged threat extended to the

petitioners.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

29.06.2021

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Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No