

Date of Decision: 16.02.2021

Gurmeet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Gurvir Kaur Gill, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Riffi Birla, Advocate,
for respondent no.5.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioners seek a direction to respondents no.1 to 3 to protect their life and liberty at the hands of respondents no. 4 and 5, upon the petitioners being in a live-in relationship with each other.

As per the reply filed on behalf of the respondent State by way of an affidavit of the DSP, Sub Division, Fazilka, it is stated that the petitioners want to get the “legalisation of their illicit relationship” and further, an inquiry was conducted into the matter and during the course of the inquiry it was found that petitioner no.2 solemnised his marriage with respondent no.5 in the year 2017, after he is alleged to have deserted her about 3 months of the marriage and refused to join “conjugal society”. however, despite that respondent no.5 wanting to join him and that he had spoilt her life etc.

It is further stated that during the course of the inquiry the statements of the petitioners were recorded to the effect that they were in a live-in relationship with each other and they had no threat from anybody and

therefore they do not want police protection, with it further stated that actually there was no any threat to them.

Learned counsel for the petitioners submits that as regards respondent no.4, i.e. the father of petitioner no.1, the petitioners are no longer apprehending any threat at his hands, but as regards respondent no.5, i.e. the wife of petitioner no.2, they are still apprehending a threat at her hands.

Ms. Riffi Birla, Advocate, appearing for respondent no.5, however submits that actually there is no threat to the petitioners from respondent no.5, who otherwise of course is aggrieved of petitioner no.2 having deserted her.

Having considered the matter it is first to be observed by this court that as regards the comment of the DSP, on a stamp of approval being sought by the petitioners from this court, he obviously does not know the law at all and has simply stated what he wanted to, without going into the implications thereof.

The live-in relationship between two adults, though may be a ground for divorce etc. in civil proceedings, with the allegedly deserted spouse being within her rights to file a petition under Section 9 of the Hindu Marriage Act, 1955 (and or seeking maintenance etc.), no provision of law has been brought to the notice of this court as it stands today, by which such a relationship can be termed to be a criminal offence.

In any case this is a petition not seeking an “approval of any relationship” but simply one seeking protection of life and liberty (obviously as per law), with such protection being a fundamental right enshrined in Article 21 of the Constitution of India.

Consequently, this petition is disposed of with a direction to the SSP, Fazilka, as also the SHO, Police Station Sadar Fazilka, to ensure that if any threat is reported by the petitioners to the police at any stage, naturally that would be looked into in all seriousness and acted upon, and will not be trivialised on the ground that the petitioners are in a live-in relationship.

Again obviously, this court is to reiterate that as regards any rights that respondent no.5 may have *qua* her husband, i.e. petitioner no.2, this court has not made any comment thereupon whatsoever, and she would obviously be at liberty to avail of her remedies as per law.

February 16, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO