

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

SR. No.126

CRWP-11673-2021

Date of Decision:20.12.2021

Simran Sharma and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Dr. Sumati Jund, Advocate,
for the petitioners.

(Parties are present through whatsapp video call)

SANT PARKASH, J.

The petitioners, who are of the age of 25 and 35 years respectively as per their Aadhar Cards, have approached this Court seeking protection of their life and liberty on the averments that they are living together in a live-in relationship against the wishes of respondents No.4 to 6 and the petitioners are apprehending threat to their life and liberty at their instance.

It is averred in the petition that the petitioners are known to each other and now family members of both the petitioners, who are against the love affair and live-in relationship of the petitioners, are threatening them to face dire consequences. It is also averred in the petition that petitioner No.2 is married, however, divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by him is pending consideration before the learned Family Court, Jalandhar.

Learned counsel for the petitioners places reliance upon a Division Bench judgment of this Court rendered in ***LPA No.1678 of 2014*** titled as "***Rajwinder Kaur and another Vs State of Punjab and others,***

2014 (4) RCR (Criminal) 785" to support his claim.

He further submits that a representation dated 02.12.2021 (P-6) was made to the Commissioner of Police, Jalandhar, seeking necessary protection but no action has been taken so far in the matter and prays for issuance of direction in this regard.

Notice of motion.

Mr. Tanvir Joshi, AAG, Punjab, accepts notice on behalf of respondents No.1 to 3. Copy of the paper book has already been supplied to learned State counsel by the Registry.

I have heard counsel for the parties and with their assistance have gone through the pleadings of the case.

The petitioners have approached this court under Article 226 of Constitution of India seeking protection of their life and liberty at the hands of the private respondents, with a further prayer that they be restrained from interfering in the peaceful live-in relationship of the petitioners. The petitioners have not approached this court either seeking permission to marry or for approval of their relationship. The limited prayer as noted is for grant of protection to them, fearing the ire of family members of the petitioners on account of their decision to reside together.

This Court in the past and also recently has allowed protection to those runaway couples, even though they were not married and were in a live-in relationship and in cases where the marriage was invalid (as one of the parties though a major, was not of age as per Section 5 of the Hindu Marriage Act). Moreover, it is the fundamental right of the parties to seek protection from the Court and it is the duty of the Court to protect the life and liberty of the petitioners. Reference in this regard can be made in

Rajwinder Kaur's case (supra) as well as Single Bench judgment rendered in *CRWP No.4533 of 2021*, titled as "*Soniya and another vs. State of Haryana and others*", where it was held that marriage is not a must for security to be provided to a runaway couple. The police authorities were directed to ensure that no harm was caused by any one to the life and liberty of the couple.

Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of this petition with directions to respondent No.2-Commissioner of Police, Jalandhar to decide the representation of the petitioners (Annexure P-6) within a period of one week from the date of receipt of a copy of this order and grant them protection, 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.

Registry is directed to send a copy of this order along with copy of the petition and above said representation to respondent No.2-Commissioner of Police, Jalandhar for requisite compliance.

20.12.2021
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO