

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

109

CRWP-1185-2022

Date of decision: 09.02.2022

JINNY AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Mahipal S. Yadav, Advocate for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The petitioners namely Jinny and Chandni have approached this Court under Article 226 of the Constitution of India for seeking protection of their lives and personal liberty from private respondents No.4 to 7.

Learned counsel for the petitioners *inter alia* contends that the petitioners are women aged 23 years and 34 years respectively and are staying together. The petitioners have appended copies of their Aadhar Card as a proof of their having attained the age of majority. The petitioners contend that they are living together on their own free will and consent. However, the private respondents are extending threat to the petitioners that they cannot be permitted to live together. Reliance is further placed on the judgment of the Hon'ble Supreme Court in the matter of '*S.Khushboo versus Kanniammal and another*' reported as (2010) 5 Supreme Court Cases 600 to contend that the persons

belonging the same gender are free to reside together.

It has further been observed by the Hon'ble Supreme Court that even though marriage is an important social institution, and that there are certain individuals or groups who do not hold the same view but notions of social morality are inherently subjective and the process of criminal law cannot be used as a means to unduly interfere within the domain of personal autonomy. Morality and criminality are not co-extensive. In any case, the petitioners being major are independent to decide their way of life so long as it does not violate the laws framed as per the Constitution of India. The petitioners cannot be prohibited from seeking solace and the company of each other.

The petitioners apprehend threat to their lives and claim that there is a constant danger of being implicated in a false case.

Notice of motion restricted to respondents No.1 to 3 only.

Pursuant to supply of advance copy, Mr. Ashish Yadav, Addl. A.G. Haryana has appeared and accepted notice on behalf of respondents No.1 to 3.

Learned counsel for the petitioners states that a representation dated 05.02.2022 (Annexure P-3) has also been submitted by the petitioners to the respondent No.2-Superintendent of Police, District Sirsa.

Learned State counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

As such, the petition is disposed of with the directions to respondent No.2- Superintendent of Police, District Sirsa to look into the grievances of the petitioners as set out in the petition and also

expressed in the representation (Annexure P-3) and take appropriate action for protection of their lives and liberty as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against the petitioners nothing in this order shall be construed as a bar for taking appropriate action by the police authorities in respect thereof in accordance with law.

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

The petition is disposed of.

FEBRUARY 09, 2022*Vishal sharma***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No