

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

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**CRWP No.7782 of 2022
Date of Decision:-17.08.2022**

Talim and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Munfaid Khan, Advocate
for the petitioners.

NIDHI GUPTA J.(Oral)

Prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioners, who have married against the wishes of private respondents i.e. respondents No.4 to 9.

Petitioner No.1-Talim is stated to be born on 03.07.2001 and for this purpose, reference has been made to Aadhaar Card (Annexure P-2). Petitioner No.2-Jinat is stated to be born on 01.01.2004 and for the said purpose, reference has been made to Aadhaar Card (Annexure P-3). The petitioners have solemnized Nikaah on 11.08.2022. A copy of the Nikaahnama of the petitioners is annexed to the petition as Annexure P-1.

Learned counsel for the petitioners has stated that a co-ordinate Bench of this Court in a judgment ***dated 18.05.2021 passed in CRWP-***

4521- 2021 titled as “Pardeep Singh and another vs. State of Haryana and others” has granted protection in a case where the petitioners were living in a “Live in Relationship”.

Learned counsel has further relied upon an order passed by a coordinate Bench of this Court dated **03.09.2021, passed in CRWP-7874-2021 titled as “Paramjit Kaur and another vs. State of Punjab and others”** as per which although the divorce petition filed by petitioner no.2 therein was dismissed, yet this Court had granted protection to the petitioners.

Learned Counsel for the petitioner has relied upon an order passed by a Co-ordinate Bench of this Court dated **02.11.2021 passed in CRWP-10411-2021 Amandeep Kaur & Anr. Vs. State of Punjab & Ors.** As per which in a case where one of the parties was married and was living in with another person other than her husband, this Court had granted protection to the petitioners.

Learned counsel has further submitted that the petitioners have given a representation dated 15.08.2022 (Annexure P-5) to respondent no.2 and they would be satisfied in case respondent no.2 is directed to look into the said representation and after considering threat perception to the petitioners, to take appropriate action.

Notice of motion.

Mr. Apoorv Garg, DAG, Haryana appears and accepts notice on behalf of respondents Nos.1 to 3 and has stated that he has no objection in case respondent no.2 is directed to look into the representation of the petitioners on the aspect of threat perception and to take appropriate action, in accordance with law.

This Court has heard learned counsel for the parties.

In Pardeep Singh's (supra), a co-ordinate Bench of this Court has held as under :-

“The Constitution of India is the Supreme Law of the land. Right to life and liberty is enshrined therein and is treated as a basic feature. The said right includes the right of an individual to full development of his/her potential in accordance with his/her choice and wish and for such purpose, he/she is entitled to choose a partner of his/her choice. The individual also has the right to formalize the relationship with the partner through marriage or to adopt the non-formal approach of a live-in relationship. The concept of live-in relationships has crept into our society from western nations and initially, found acceptance in the metropolitan cities, probably because, individuals felt that formalization of a relationship through marriage was not necessary for complete fulfillment. Education played a great role in development of this concept. Slowly, the concept has percolated into small towns and villages also as is evident from this petition. This shows that social acceptance for live-in relationships is on the increase. In law, such a relationship is not prohibited nor does it amount to commission of any offence and thus, in my considered view such persons are entitled to equal protection of laws as any other citizen of the country. The law postulates that the life and liberty of every individual is precious and must be protected irrespective of individual views.

Let us examine the issue from another view-point. The Constitutional Courts grant protection to couples, who have married against the wishes of their respective

parents. They seek protection of life and liberty from their parents and family members, who disapprove of the alliance. An identical situation exists where the couple has entered into a live-in-relationship. The only difference is that the relationship is not universally accepted. Would that make any difference? In my considered opinion, it would not. The couple fears for their safety from relatives in both situations and not from the society. They are thus, entitled to the same relief. No citizen can be permitted to take law in his own hands in a country governed by Rule of Law.

The petition is accordingly, disposed of with direction to respondent No.2 to consider the representation dated 9.5.2021 (Annexure P3) and to provide appropriate protection, if found necessary. It shall be ensured that no harm comes either to the lives or liberty of the petitioners.”

Thus, the Division Bench after considering the aspect of the protection of the life and liberty being of paramount consideration and without getting into the issue as to whether the relationship between the parties was legal or not, even in spite of the fact that there was a criminal case registered against the parties, however, granted them protection.

In view of the same, it goes without saying that the protection of life and liberty is a basic feature of the Constitution of India as emanating out of Article 21. Every person, more so, a major, has right to live his/her life with a person of his/her choice. Whenever this Court, prima-facie, is satisfied that on account of some relatives/ persons being unhappy with the relationship between the petitioners could cause harm to the life and liberty of the petitioners, then in such circumstances, the Courts are required to

pass necessary directions for their protection.

Keeping in view the abovesaid facts and circumstances and without commenting upon the legality of the relationship between the petitioners or expressing any opinion on the merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to respondent no.2 to consider the representation dated 15.08.2022 (Annexure P-5) and to assess the threat perception to the petitioners and after considering the same, respondent No.2 shall take appropriate action in accordance with law.

Accordingly, the petition stands disposed of with abovesaid directions.

It is, however, clarified that this order shall not debar the State and/or any person aggrieved from initiating legal proceeding against the petitioners, if any cause of action arises or if they are involved in any other case.

August 17, 2022
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No