

CRWP-8351 of 2022

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

CRWP-8351 of 2022
Date of Decision: 01.09.2022

Deepak Singla and another

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Pushpinder Kaur Minhas, Advocate, for the petitioners.
Mr. Himmat Singh, Deputy Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Article 226/227 of the Constitution of India prayer has been made for directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 and 5 as the petitioners are in live-in-relationship.

Learned counsel for the petitioners contends that petitioner No.1-Deepak Singla is already married with one Mamta. However, he is having matrimonial dispute with his wife-Mamta since 2014. He tried his level best to resolve the dispute and live with Mamta peacefully but no fruitful solution has occurred. Learned counsel further contends that both the petitioners are known to each other for the last so many years and petitioner No.1 is having dispute with his wife, therefore, both the petitioners have decided to live together. However, private respondents are against their relationship. Learned counsel further contends that

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petitioners are in a live-in-relationship with their own free will without any pressure. In support of her contentions learned counsel for the petitioners relied upon order passed by Hon'ble Supreme Court in ***SLP (Crl.) No.4028 of 2021 – Gurwinder Singh and another v. The State of Punjab and others dated 04.06.2021*** and orders of this Court passed in ***Amandeep Kaur and another v. State of Punjab and others dated, 2022 (1) R.C.R.(Criminal) 90; CRWP-7717 of 2022 – Rinu and another v. State of Haryana and others dated 10.08.2022; CRWP-7451 of 2021 – Tamnna and another v. State of Punjab and others dated 09.08.2021; LPA-1678 of 2014 – Rajwinder Kaur and another v. State of Punjab and others dated 09.10.2014; LPA-769 of 2021 – Ishrat Bano and another v. State of Punjab and others dated 03.09.2021; CRWP-4521 of 2021 – Pardeep Singh and another v. State of Haryana and others dated 18.05.2021 and CRWP-7753 of 2022 – Manpreet Kaur and another v. State of Punjab and others dated 22.08.2022.***

I have heard learned counsel for the petitioners and perused the paperbook.

Learned counsel for the petitioners contends that the petitioners are apprehending danger to their life and liberty. On a query put to learned counsel for the petitioners as to the marital status of petitioner No.1 – Deepak Singla, it has been stated that petitioner No.1 and his wife Mamta are living separately since long and they have no child, however, they have not taken divorce from each other. Therefore, in the absence of decree of dissolution of marriage of petitioner No.1

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with his wife Mamta by a Court of competent jurisdiction his first marriage subsists in the eyes of law.

The Hindu Marriage Act was enacted in the year 1955. It is an Act to amend and codify the law relating to marriages among Hindus. The Hindu Marriage Act, 1955 is a complete Code and provides for the conditions of marriage as well as the procedure for divorce. After the enactment of the Hindu Marriage Act, 1955, marriages and divorce qua Hindus is governed by the procedure as set out in the Hindu Marriage Act, 1955. Section 4 of the said Act reads as under :

- “4. Overriding effect of Act - Save as otherwise expressly provided in this Act,*
- (a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;*
 - (b) any other law in force immediately before the commencement of this Act shall cease to have effect in so far as it is inconsistent with any of the provisions contained in this Act.”*

In view of Section 4 of the Hindu Marriage Act, 1955 all customs and usages ceased to have effect. The contention of the learned counsel that petitioner No.1 and his earlier wife Mamta are living separately is thus an argument which cannot be accepted, which has no legs to stand in the eyes of law.

Article 21 of the Constitution of India provides that no

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person shall be deprived of his life and liberty except in accordance with law. The petitioners have approached this Court for protection of their life and liberty to live as a couple which cannot be considered in the facts and circumstances of the present case. However, as an individual either of the petitioners, if they apprehend any threat to their life or liberty, would be entitled to approach the Police for redressal of their apprehensions regarding threats to their life and liberty.

Without seeking divorce from his spouse petitioner No.1 is living a lustful and adulterous life with petitioner No.2, who is merely 19 years of age and spoiling her life. Thus, the present petition is held to be not maintainable at the behest of the petitioners who are stated to be in live-in-relationship. Such a relationship does not fall within the phrase “live-in-relationship” or “relationship” in the nature of marriage.

Dismissed.

September 01, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No