

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

CRWP-9525-2022
Date of Decision: 03.10.2022

KAKI AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Parveen Kumar, Advocate
for the petitioners.

HARSH BUNGER, J. (ORAL)

1. By way of this petition, the petitioners seek protection of their lives and personal liberties in view of the fact that they have not solemnized their marriage so far and are living in the live-in relationship and are under eminent threats at the hands of respondents No.4.
2. It is stated that both the petitioners are major as the date of birth of petitioner No.1 is 01.01.1993, whereas, the petitioner No.2 is about 33 years of age. It is the contention of the petitioners that respondent No. 4 is the husband of petitioner No. 1 and their relation is strained, in as much as that the petitioner No. 1 had been residing separately from respondent No. 4, who is a drunkard and was maltreating & neglecting the Petitioner No. 1. It is stated that out of the wedlock of petitioner No. 1 and respondent No. 4, there are three children, who are presently with respondent No. 4. It is further submitted that petitioner No. 2 is unmarried and is doing a private job. Both the petitioners are inclined to get married to each other, however, only after petitioner No. 1 obtains divorce from the respondent No. 4.

3. Petitioners claim that after respondent No. 4 learnt about the relationship between the petitioner No. 1 & petitioner No. 2; since then the respondent No. 4 has been extending threats to the Petitioners to implicate them in false cases and also to eliminate them.

4. In the context of threat perception at the hands of private respondent No.4, petitioners have allegedly moved representation dated 29.09.2022 (Annexure P-3) to respondents No. 2 and 3, wherein, the apprehension to their lives has been expressed, however, it is stated that no action has been taken. Hence the present writ petition seeking appropriate directions to the official respondents to provide protection qua their life and liberty.

5. Notice of motion at this stage only to the official respondents is being issued.

6. Advance copy of the paper book has already been supplied to learned State counsel by the learned counsel for the Petitioners. On asking of the Court, Mr. Amit Aggarwal, Deputy Advocate General, Haryana, who is present in court, accepts notice on behalf of State-respondents No.1 to 3.

7. Given the nature of the order being passed, there is no necessity to seek any response by the official respondents or even to serve private respondent No.4.

8. Having heard learned counsel for the petitioners, as also the learned State counsel, I am of the considered view that every citizen is entitled to protection / enforcement of fundamental rights as envisaged under Constitution of India. It is the bounden duty of the State to protect the life & liberty of every citizen as enshrined under Article 21 of the Constitution of India.

9. Since the petitioners have not contracted any marriage and they seek only protection *qua* their lives and personal liberties, therefore, it would be appropriate to direct respondent No.2-Superintendent of Police, Kaithal, to verify the contents of the petition and/or representation, particularly the threat perception of the petitioners and thereafter provide necessary protection *qua* their life and liberty, if deemed fit. Respondent No.2 would pass necessary order without being influenced by any statement of fact recorded hereinabove.

10. It is clarified that this order shall neither be treated as a stamp of this Court *qua* the status of the parties on the basis of live-in relationship nor any reflection on the merits of the contentions raised by them in the present petition

11. The writ petition is, accordingly, disposed of.

October 03, 2022

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No