

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CRWP-11304-2022 (O&M)
Decided on : 02.12.2022

Nishu and Another

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

PRESENT: Mr. Vishal Punia, Advocate
for Mr. Ashwani Vaishnav, Advocate
for the petitioners.

DEEPAK MANCHANDA, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing respondent Nos.1 to 3 to protect the life and liberty of the petitioners.

The petitioners are living in “*Live in Relationship*”. The contention of learned counsel for the petitioners is that both are major, aged above 18 years. In support thereof, copies of Aadhaar Cards pertaining to the petitioners have been appended. The date of birth of petitioner No.2 namely Ashish is 11.10.2004 as is apparent from Aadhaar Card (Annexure P-2). Both the petitioners are unmarried and are living in “*Live in Relationship*” out of their free will and without any pressure. It has further been stated that the petitioners have given a detailed representation dated 28.11.2022 (Annexure P-4) to respondent

No.2-Superintendent of Police, Sonipat for protecting their life and liberty from private respondents.

This Court has considered the facts as stated in the petition as well as the accompanying Annexures. This Court is aware of the fact that petitioner No.2 is not of marriageable age and that petitioners even as per their own case have not married and are living in “*Live in Relationship*”.

The issue as to whether protection of life and liberty should be granted to a couple in a “*Live in Relationship*” is no longer *res integra*.

Hon'ble the Supreme Court of India in Special Leave to Appeal (Criminal) No.4028 of 2021 and the Hon'ble Supreme Court of India had vide its judgment dated 04.06.2021 disposed of the same in the following terms:-

“The petitioners in both the petitions are stated to have represented to the Superintendent of Police.

The grievance is that the representation(s) has not been considered by the police.

We have gone through the representation(s). we dispose of both the petitions granting liberty to the petitioners to supplement their representation to the Superintendent of Police.

Needless to state that since it concerns life and liberty, the Superintendent of Police is required to act expeditiously in accordance with law, including the grant of any protection to the petitioners in view of the apprehensions/threats, uninfluenced by the observations

of the High Court.

The Special Leave Petitions stand disposed of.

Pending applications shall also stand disposed of.”

The aspect of life and liberty was considered to be of paramount importance and thus, Superintendent of Police in the said case was directed to act expeditiously in accordance with law, including the grant of any protection to the petitioners therein.

Neither this Court wishes to go into the merits of the present case nor wants to comment upon the relationship of the petitioners but the only concern is with regard to their life and liberty, protection of which is of paramount consideration.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Bhupender Singh, DAG Haryana, appears and accepts notice on behalf of respondent Nos. 1 to 3. He has stated that he has no objection in case, respondent No.2-Superintendent of Police, Sonipat, is directed to look into the representation dated 28.11.2022 (Annexure P-4) with a limited prayer regarding protection of life and liberty of the petitioners and to take appropriate action, in accordance with law.

After considering the abovesaid facts and without commenting upon the legality of the relationship or expressing any opinion on merits of the case, the present Criminal Writ Petition is disposed of with direction to respondent No.2 to look into the representation dated 28.11.2022 (Annexure P-4) 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.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

All the pending miscellaneous applications, if any, stand disposed of, in view of the abovesaid judgment.

(DEEPAK MANCHANDA)
JUDGE

December 2nd, 2022
Ajay Goswami

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No