

CRWP-3180-2023

2023:PHHC:047510
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**125 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-3180-2023
DATE OF DECISION:-31.03.2023

Sudesh and another ...Petitioners.

Vs.

State of Haryana and others ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ram Karan Agnihotri, Advocate,
for the petitioners.

HARKESH MANUJA, J.

The present Criminal Writ petition has been filed under Article 226 of the Constitution of India for issuance of direction to the respondents No.2 and 3 so as to protect the life and liberty of the petitioners.

Notice of motion.

Mr. R.K. Ambavta, AAG, Haryana, accepts notice on behalf of respondents No.1 to 3 and requisite copies of the petition have already been supplied to the respondent-State by the learned counsel for the petitioners.

As per contents made in the petition along with the documents attached, it appears that both the petitioners are major and are stated to be in a "Live in Relationship".

As a matter of fact, admittedly petitioner No.1 is already married to respondent No.4 but has filed divorce petition on the ground of cruelty

before Family Court, Karnal, which is pending for 13.07.2023, whereas, petitioner No.2 already got mutual divorce from her wife on 05.03.2018 from Family Court Karnal. It has been contended that petitioner No.1 is in live-in-relationship out of her own free wish and will and without there being any threat at the hands of petitioner No.2. It has been further submitted that the petitioners are having continues threat at the hands of private respondents No.4 to 11 and in this regard they have already submitted representation dated 24.03.2023 (Annexure P-5) to respondent No.2. It has also been contended that despite there being a continues threat to the life and liberty of the petitioners, at the hands of private respondents, the official respondents have failed to take any action in this regard.

Learned counsel for the petitioners also relies upon the two decisions rendered by this Court in the case of *“Shilpa and another Vs. State of Punjab and others”* passed in CRWP-10101-2021 on 22.10.2021 and *“Pardeep Singh and another Vs. State of Haryana”* passed in CRWP No.4521 of 2021 (O&M) on 18.05.2021. The relevant paragraph No.6 from *Pardeep Singh and another's* case (Supra) is reproduced as under for reference:

“6.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.”

Keeping in view the proposition of law laid down in the aforementioned cases and without expressing any opinion upon the relationship being maintained by the petitioners, however, considering their age, the present petition is disposed of with a direction to respondent No.2- Superintendent of Police, Karnal to consider the representation dated 24.03.2023 (Annexure P-5) and assess the threat perception to the petitioners and after considering the same, pass necessary directions to respondent No.3 in this regard.

Accordingly, the Criminal Writ Petition stands disposed of in the aforesaid manner.

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

31.03.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No