

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

120

CRWP-3602-2023

Date of decision : 17.04.2023

Shahjadi @ Kajal and another

Petitioners

V/S

State of Punjab and others

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Amit Sharma, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Article 226 of the Constitution of India, for issuance of directions to respondent No.2 to consider the representation dated 27.03.2023 (Annexure P-3) made by the petitioners and to protect the life and liberty of the petitioners at the hands of private respondents as the petitioners are living in live-in-relationship against the wishes of the private respondents.

Learned counsel for the petitioners contends that petitioner No.1-Shahjadi @ Kajal got married with respondent No.7-Pardeep in the year 2021 and out of the said wedlock, there is no children. After marriage respondent No.7 used to beat petitioner No.1 in intoxicated state as he is a habitual drunkard. After sometime, petitioner No.1 left her matrimonial home and came in her parental home and from her parental home she came to her grandmother home in Ludhiana. At Ludhiana, petitioner No.1 came into contact with petitioner No.2 and gradually both of them started sharing emotional bond with each other

and came to relationship. It is said that petitioner no.1 has left her husband (respondent No.7) and is now living in live-in-relationship with petitioner no.2, without having got divorce from her husband. The private respondents are against their relationship. They seek protection of their life and liberty.

I have heard learned counsel for the petitioners and perused the paper-book.

Admittedly, without seeking divorce from her spouse, petitioner No.1 is living a lustful and adulterous life with petitioner No.2. 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.

Further, it is well settled proposition of law that Article 21 of the Constitution of India is not an absolute right and is subject to the procedure established by law. The petitioners have approached this Court for protection of their life and liberty to live in a live-in-relationship 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 in accordance with law.

Dismissed.

17.04.2023

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No