

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-5257-2023

Date of Decision: 29.05.2023

Raichni Kumari @ Rachna Kumari and Anr.

....Petitioners

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Nitin Mittoo, Advocate for the petitioners.

GURBIR SINGH, J.(ORAL)

The petitioner seeks a writ in the nature of mandamus directing respondent Nos. 1 to 3 to protect his life and liberty and other family members at the hands of respondents No.4 to 7, with a further prayer to take appropriate legal action on representation dated 19.05.2023 (Annexure P-4).

It is stated that date of birth of petitioner No.1 is 01.01.1996 while petitioner No.2 is also major being born in 1996. Petitioner No.1 was earlier married to one Pawan Kumar on 26.09.2014 and out of the wedlock, one baby child namely, Jyoti was born. In view of mutual separate agreement/panchayat divorce Annexure P-3 was executed in the presence of the respectables, petitioner No.1 is residing separately from her husband since 14.10.2019 and that her husband does not have any objection regarding live in relationship of the petitioners. Petitioner No.2 approached the parents as well as other family members of petitioner No.1 to accept the relationship but they did not agree and threatened the petitioners to kill.

The learned counsel for the petitioners has also submitted that a marriage is not a must for providing security to a couple in a 'live-in relationship' because protection *qua* life and liberty is sacrosanct and stands at the highest pedestal. He

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has also placed reliance upon orders passed by the co-ordinate Bench of this Court in '*Sarabjeet Kaur and another versus State of Punjab and others*' in CRWP-102-2022 decided on 07.01.2022 and '*Goutam Kumar and another versus State of Punjab and others*' in CRWP-8088-2021 decided on 26.08.2021.

Notice of motion to respondents No. 1 to 3.

On asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of the official respondents No.1 to 3. Since no order prejudicial to the interest of the parties is being passed, therefore, there is no necessity of inviting any response.

At this stage, without expressing any opinion on the merits of the case, as well as on the age and nature of the relationship between the petitioner No.1 and petitioner No.2, I deem it appropriate to direct respondent No. 2- Senior Superintendent of Police, Hoshiarpur, to look into the matter and pass an appropriate order in the representation allegedly filed by the petitioners before him on 19.05.2023 (Annexure P-4). It would be appreciated if necessary orders are passed within one month from the date of receipt of copy of this order. Till then, protect the life and liberty of the petitioners.

No comment is made in this order regarding validity of panchayati divorce Annexure P-3.

However, if the petitioners is found to have been involved in any other case then this order shall not preclude the competent authority from taking lawful action against the petitioners.

Disposed of.

29.05.2023

jyoti3

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No