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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5810-2023

Date of Decision : June 09, 2023

JASMEET KAUR AND ANR.

-Petitioners

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amandeep Singh, Advocate
for the petitioners.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, as filed under Article 226/227 of the Constitution of India, the petitioners, who are in a 'live-in relationship', have sought issuance of directions upon the respondents No.2 and 3, to ensure protection of their lives and liberty at the hands of respondents No.4 to 7 and also to restrain the said respondents from harassing the petitioners or interfering in their personal life.

2. Though the instant writ petition carries a specific averment qua attainment of majority by the petitioner No.1, however, no document, except the self-suffered affidavit of petitioner No.1, has been enclosed with the petition in support of such an averment, on the premise that all her documents are in the custody of her parents. On the other hand, the petitioner No.2 is stated to be aged 19 years 9 months and 23 days, who is yet to attain majority, as is also clear from his Aadhaar card annexed to the petition.

3. It is averred in the petition that since the petitioner No.2 is yet

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to attain the minimum age, as prescribed by statute, for lawfully solemnizing marriage with the petitioner No.1, therefore, they are in a 'Live-in Relationship', however, it has caused grievance to the respondents no.4 to 7. Such grievance of the respondents No.4 to 7 has made them apprehensive of danger to their lives and liberty and resultantly, it has constrained them to approach this Court, to seek protection of their lives and liberty. The petitioners have also submitted a representation dated 07.06.2023 (Annexure P-3) to the respondent no.2.

5. The learned counsel for the petitioners has submitted that he would be satisfied in case the respondent no.2-Senior Superintendent of Police, Gurdaspur, is directed to look into the representation (supra) and after considering threat perception to the petitioners, to take appropriate action.

6. Notice of motion to the official respondent(s) only.

7. On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of the State.

8. Without commenting anything as regards the veracity of the averments made in the petition and also as regards the sanctity of alleged relationship of the petitioners, this Court deems it appropriate to dispose of the present petition with a direction to respondent no.2- Senior Superintendent of Police, Gurdaspur, to consider the representation (supra) 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. In case, it is found that there is a genuine threat to the lives and liberty of the petitioners, then necessary steps warranted under law be taken at the earliest, so as to ensure that no harm is caused to the petitioners.

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9. It is, however, clarified that this order shall not be taken to be any expression as regards the alleged relationship of the petitioners and shall not confer any immunity upon the petitioners, in case it is found that they have committed any wrong. The respondent No.2 is directed to verify the contention, as made in the instant petition, qua the age of the petitioner No.1. In case, she is found to be a minor, the authority concerned shall take appropriate action as per law.
10. Disposed of accordingly.

June 09, 2023
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(KULDEEP TIWARI)
JUDGE

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