

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRWP-10958-2023

Date of Decision : November 09, 2023

SHIVANI AND ANR.

-Petitioners

V/S

STATE OF HARYANA AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Parveen Kumar, Advocate
for the petitioners.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, as filed under Article 226 of the Constitution of India, the petitioners, who are in a 'live-in relationship', have sought issuance of directions upon the respondents No.1 to 3, to ensure protection of their lives and liberty at the hands of respondents No.4 and 5, and, also to restrain the said respondents from harassing the petitioners or interfering in their personal life, on the basis of any false criminal complaint.

2. The petitioners, in their asking for the relief (supra), have made submissions that though both of them have attained the age of majority, as the petitioner No.1 was born on 01.03.2004, while the petitioner No.2 was born on 17.09.2003, however, the petitioner No.2 has not attained the minimum age, as prescribed by statute, for solemnizing marriage. The petitioners have appended their respective Aadhar Cards as Annexures P-1 and P-2 with the instant petition. The further submissions, as made in the instant petition, are that since the petitioner No.2 has not

yet attained the minimum age prescribed for solemnizing marriage, therefore, the petitioners have been living in 'live-in relationship'. However, their 'live-in relationship' has caused grievance to the family members of petitioner No.1. As a result of such grievance, the family members of petitioner No.1 threatened to kill the petitioners, which has made them apprehensive of danger to their lives and liberty and resultantly, has constrained them to approach this Court, to seek protection of their lives and liberty.

3. It is further averred in the petition, that consequent upon threats being extended by the family members of petitioner No.1, the petitioners made a representation dated 06.11.2023 (Annexure P-3) to the respondents no.2 and 3, expressing therein their apprehension qua danger to their lives at the hands of the private respondents. However, the said representation is stated, in the petition, to remain un-actioned.

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

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

6. On the asking of the Court, Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of the official respondents.

7. 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-Superintendent

of Police, Yamuna Nagar, 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.

8. 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.

9. Disposed of accordingly.

November 09, 2023
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(KULDEEP TIWARI)
JUDGE

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