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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 12351 of 2022 (O&M)
Date of decision : January 03, 2023

Apeksha Kapoor and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Kashyap, Advocate, for the petitioners

KULDEEP TIWARI, J. (ORAL)

The petitioners have knocked the doors of this Court by filing criminal writ petition under Articles 226/227 of the Constitution of India for issuance of directions to the official respondents no. 1 to 3 to protect the lives and liberty of the petitioners and to restrain the private respondents no. 4 to 15 not to harass or interfere in their peaceful '*Live-in-relationship*'.

Learned counsel for the petitioners submits that date of birth of petitioner no. 1 is 28.7.2002 and thus, she is 20 years and 5 months old and the date of birth of petitioner no. 2 is 22.8.2001 and

therefore, he is 21 years and 4 months old. To substantiate his submission, he has placed reliance on Aadhar Cards of both the petitioners Annexure P/1 and P/2 attached with the present writ petition. It was further averred that there is no blood relationship between them and they are living in relationship and they are receiving continuous threats. They have also approached the official respondents by filing representation dated 24.12.2022, reference is made to Annexure P/3.

Notice of motion.

On asking of the Court, Mr. Sandeep Jain, Addl. AG Punjab accepts notice on behalf of respondents no. 1 to 3.

Learned counsel for the petitioners has placed reliance on the order passed by the Coordinate Bench of this Court in **Sonia Rani and anr. Vs State of Punjab & Ors, CRWP-12177-2022 decided on 23.12.2022** wherein the Coordinate Bench granted protection in a case where the petitioners were living in '*Live-in-relationship*'. The Coordinate Bench in the above matter has observed as under:-

“13. In view of the same, it goes without saying that the protection of life and liberty is a basic feature of the Constitution of India as emanating out of Article 21. Every person, more so, a major, has right to live his / her life with a person of his / her choice.

Whenever this Court, prima-facie, is satisfied that on account of some relatives/ persons being unhappy with the relationship between the petitioners could cause harm to the life and liberty of the petitioners, then in such circumstances, the Courts are required to pass necessary directions for their protection.

15. Keeping in view the abovesaid facts and circumstances and without commenting upon the legality of the relationship between the petitioners or expressing any opinion on the merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to respondent no.2 to consider the representation dated 20.12.2022 (Annexure P-3) 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 view of the above, the present petition is disposed of with a direction to respondent no. 2 – Senior Superintendent of Police, SAS Nagar, Mohali to consider the representation dated 24.12.2022, Annexure P/3 and to assess the threat perception to the petitioners and after considering the same, he shall take appropriate action, in accordance with law.

However, it is clarified that in case any criminal case has

been registered, this direction will not debar from taking appropriate legal action by the police, in accordance with law.

Petition stands disposed of accordingly.

January 03, 2023

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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>