

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-11986-2023

Date of decision : 13.12.2023

SIYA KHAN@SIYA GAUSHIYA AND ANR

...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Karandeep Singh Dargan, Advocate
for the petitioners.

KULDEEP TIWARI.J. (ORAL)

1. 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. 3 to 6 to protect the lives and liberty of the petitioners and to restrain the private respondents no. 3 to 6 from harassing the petitioners or interfering in their peaceful *'Live-in-relationship'*.

2. Learned counsel for the petitioners submits that the date of birth of petitioner no. 1 is 14.05.2000 and thus, she is 22 years and the date of birth of petitioner no. 2 is 01.01.2003 and therefore, he is 20 years. To substantiate his submission, he has placed reliance on affidavit, sworn by the petitioner No.1 and Aadhar Card, of petitioner No.2, which are annexed respectively as Annexures P/1 and P/2 with the present writ petition. It is further averred that there is no blood relationship between them and they are living together in a *'Live-in-relationship'* and they are receiving continuous threats from the private respondents concerned.

They have also approached the official respondents by filing representation dated 01.12.2023(Annexure P/3).

3. Notice of motion.

4. On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of respondents no. 1 and 2.

5. Learned counsel for the petitioners has placed reliance on the order passed by a Co-ordinate Bench of this Court in case titled **Sonia Rani and anr. Vs State of Punjab & Ors, CRWP-12177-2022 decided on 23.12.2022** wherein, the protection has been granted in a case, where the petitioners were living in a '*Live-in-relationship*'.

6. The said Co-ordinate 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.”

7. In view of the above, the present petition is disposed of with a direction to respondent no. 2—Superintendent of Police, Fazilka to consider the representation dated 01.12.2023(Annexure P/3) and assess the threat perception to the petitioners and after considering the same, to take appropriate action, in accordance with the law.

8. However, it is clarified that in case any criminal case has been registered, this direction will not debar the police from taking appropriate legal action by the police, in accordance with the law.

9. Petition stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

13.12.2023
monika

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