

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRWP No.3545 of 2024
Date of Decision: 22.04.2024

POOJA KAUR AND ANOTHER

.....Appellants

Vs

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Paras Jagga, Advocate
for the petitioners.

HARKESH MANUJA, J. (Oral)

- [1]. The present Criminal Writ petition has been filed under Article 226/227 of the Constitution of India for issuance of direction to the respondent Nos. 2 & 3 so as to protect the life and liberty of the petitioners.
- [2]. Notice of motion.
- [3]. Mr. Athar Ahmed, DAG, Punjab, accepts notice on behalf of respondent Nos. 1 to 3 and requisite copies of the petition have already been supplied to the learned State Counsel by learned counsel for the petitioners.
- [4]. As per contents made in the petition along with the documents attached, it appears that both the petitioners are major and stated to be in a “Live-in Relationship”.
- [5]. It has been contended that petitioner No. 1 is in live-in relationship out of her own free wish and will and without there being any threat at the hands of petitioner No. 2. It has been further submitted that the petitioners are having

continuous threat at the hands of private respondent Nos.4 to 6 and in this regard they have already submitted representation dated 15.04.2024 (Annexure P-3) to respondent No.2. It has also been contended that despite there being a continuous threat to the life and liberty of the petitioners, at the hands of private respondent Nos.4 to 6, the official respondents have failed to take any action in this regard.

[6]. Learned counsel for the petitioners also relies upon the two decisions rendered by this Court in the case of “Shilpa and another Versus State of Punjab and others” passed in CRWP No. 10101 of 2021 on 22.10.2021 and “Pardeep Singh and another Versus State of Haryana” passed in CRWP No. 4521 of 2021 on 18.05.2021. The relevant paragraph No. 6 from Pardeep Singh and another's case (supra) is reproduced as under for reference:

“6. Let us examine the issue from another view-point. The Constitutional Courts grant protection to couples, who have married against the wishes of their respective parents. They seek protection of life and liberty from their parents and family members, who disapprove of the alliance. An identical situation exists where the couple has entered into a live-in relationship. The only difference is that the relationship is not universally accepted. Would that make any difference? In my considered opinion, it would not. The couple fears for their safety from relatives in both situations and not from the society. They are thus, entitled to the same relief. No citizen can be permitted to take law in his own hands in a country governed by Rule of Law.”

[7]. Keeping in view the proposition of law laid down in the aforementioned cases and without expressing any opinion upon the relationship being maintained by the petitioners, however, considering their age, the present

petition is disposed off with a direction to respondent No.2-Senior Superintendent of Police, Patiala, Tehsil & District Patiala, Punjab to consider the representation dated 15.04.2024 (Annexure P-3) and assess the threat perception to the petitioners and after considering the same, pass necessary directions to respondent No.3 in this regard.

[8]. It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

April 22, 2024 <i>Atik</i>	(HARKESH MANUJA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No