



CRWP-6088-2024 :1:

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

112

**CRWP-6088-2024
Date of Decision: 28.06.2024**

HEMLATA AND ANOTHER

....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Pranshul Dhull, Advocate
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

RITU TAGORE, J.(Oral)

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus for directing respondents No.2 and 3 to protect life and liberty of the petitioners at the hands of respondents No.4 and 5.

2. Learned counsel for the petitioners submits that both the petitioners are old friends and fell in love with each other, having same understanding and liking. They are major and have full right to decide with whom they intend and choose to live. The petitioners are in live-in-relationship since December 2023. Copies of Aadhaar card of both the petitioners are attached as Annexures P-1 and P-2.

3. It is submitted that petitioner No.2 is already married and from this wedlock, he is having children, who are living with their

**CRWP-6088-2024****:2:**

mother. Petitioner No.1 left her parental house on her own will and came to petitioner No.2 to live together.

4. Counsel for the petitioners submits that aforesaid private respondents No.4 and 5 have threatened to cause harm to both the petitioners and in this regard, representation dated 24.06.2024 (Annexure P-3) has been given to the Superintendent of Police District Nuh (Mewat) but till date no action has been taken by the concerned authority in this regard.

5. Copies of Aadhaar card of both the petitioners are attached as Annexures P-1 and P-2 relied upon by the petitioners as proof of their age, *prima facie* suggest that both the petitioners are major.

6. Herein, the petitioners, have taken a decision to reside together without the sanctity of marriage and it is not for the Courts to judge them on their decision. In **S. Khushboo Vs. Kanniammal, (2010) 5 SCC 600**, it has been held that live-in-relationship is permissible and the act of two adults living together cannot considered illegal or unlawful, while further holding that the issue of morality and criminality are not co-extensive. Further in a judgment of Hon'ble the Supreme Court of India **Nandakumar and another Vs. State of Kerala and others, 2018 (2) R.C.R. (Civil) 899**, it has been held that, "we need not go into this aspect in detail. For our purposes, it is sufficient to note that both appellant No.1 and Thushara are major. Even if they were not competent to enter into wedlock (which



CRWP-6088-2024 :3:

position itself is disputed), they have right to live together even outside wedlock. It would not be out of place to mention that 'live-in relationship' is now recognized by the Legislature itself which has found its place under the provisions of the Protection of Women from Domestic Violence Act, 2005”.

7. Article 21 of the Constitution of India envisages that no person shall be deprived of his/her right to freedom and personal liberty except in accordance with the procedure established by law. The State is duty bound to protect the life and liberty of its citizen. In this regard reference can be made to the judgment of Hon'ble the Supreme Court of India in **Lata Singh Vs. State of UP and another JT 2006 (6) SC 173.**

8. If the given allegations of threat to the lives of petitioners turn out to be true, it might lead to an irreversible loss. In view of above, without going into the merits of the case and expressing any opinion as to the sanctity of their live-in-relationship because the safety of the petitioners is the foremost concern at this stage, this petition is hereby disposed of with direction to respondent No.2-Superintendent of Police District Nuh (Mewat) to consider representation dated 24.06.2024 (Annexure P-3) and to take remedial measures to protect life and liberty of petitioners if so warranted, in accordance with law.

9. It is further made clear that if the petitioners are otherwise found to be involved in any other case, in such an

