



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

CRWP-6066-2024

Date of Decision:28.06.2024

KAVITA DEVI AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Jaswinder Singh, Advocate
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

RITU TAGORE, J.(ORAL)

1. Present writ petition has been filed for issuance of direction to protect life and liberty of the petitioners from the hands of private respondents No.4 to 9, who are husband and the relatives of petitioner No.1.

2. According to the petitioners, the marriage of the petitioner No.1 was solemnized with respondent No.8 on 02.03.2004 and one daughter was born from the wedlock, who is being looked after by petitioner No.1. It is further submitted that presently petitioner No.1 is in live-in relationship with petitioner No.2. It is stated that both the petitioners fell in love with each other and have decided to stay together in live-in relationship, which is opposed by the private respondents.

3. It is stated that petitioners are major and have right to choose to live in the manner they like. It is claimed that private respondents No.4 to



9 are continuously harassing and threatening the petitioners.

4. Petitioners claim to have submitted a representation (Annexure P-3) dated 22.06.2024 in this regard to the Superintendent of Police, Jind, on which no decision has been taken. Learned counsel for the petitioners restricts his prayer to the effect of deciding the representation of the petitioners.

5. Heard.

6. Record perused.

7. The petitioners have placed on record copies of their Aadhar Cards (Annexures P-1 and P-2) as proof of their age, from the same it is made out that both the petitioners are major.

8. 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 be considered illegal or unlawful, while further holding that the issue of morality and criminality are not co-extensive.

9. Without expressing any opinion as to the sanctity to their live-in relationship, where the safety of the petitioners is the first and foremost concern, at this stage, this petition is disposed of with a direction to respondent No.2-Superintendent of Police, Jind to decide the representation seeking protection of life and liberty of petitioners, be looked into and contents thereof be duly verified and if necessary, requisite steps be taken, strictly in accordance with law for grant of protection of life and liberty to the petitioners. Petitioners are directed to appear before respondent No.2



within a period of one week from today.

10. It is made clear that the observations made herein are only for the purpose of deciding the present petition. This order shall have no affect on civil/criminal proceedings, if any, pending/instituted against the petitioners.

11. It is further made clear that if petitioners are otherwise found to be involved in any other case, in such an eventuality, this order shall not preclude the competent authority from taking appropriate action against the petitioners, that law permits.

(RITU TAGORE)
JUDGE

28.06.2024

Gaurav Sorot

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No



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 be 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 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