



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRWP No.6077 of 2024 (O&M)
Date of decision: 28.06.2024

Saurabh Kumar and another
.....Petitioners
Versus
State of UT Chandigarh and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Gulati, Advocate
for the petitioners.

NAMIT KUMAR J. (Oral)

1. Prayer in this criminal writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus for directing the official respondents to protect the life and liberty of the petitioners from the hands of private respondents No.4 and 5. Further prayer has been made for directing the official respondents to decide the representation dated 25.06.2024 (Annexure P-3), filed by the petitioners.
2. Upon advance notice, Mr. Gagandeep Singh, Advocate for Mr. Tarun Lehal, APP, U.T., Chandigarh appears on behalf of respondents No.1 to 3. Requisite copies of the petition have already been supplied to the respondents – State by the learned counsel for the petitioners.

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3. As per contents made in the petition along with the documents attached, it appears that the petitioners are stated to be in a “Live in Relationship”.

4. It has been contended that petitioner No.2 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.1. It has been further submitted that the petitioners are having continuous threat at the hands of private respondents No.4 and 5 and in this regard they have already submitted representation dated 25.06.2024 (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 respondents, the official respondents have failed to take any action in this regard.

5. Learned counsel for the petitioners also relies upon the two decisions rendered by this Court in the case of **“Shilpa and another Vs. State of Punjab and others”** passed in CRWP-10101-2021 on 22.10.2021 and **“Pardeep Singh and another Vs. State of Haryana”** passed in CRWP No.4521 of 2021 (O&M) 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 viewpoint. 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

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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.”

6. 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 of with a direction to respondent No.2 – Senior Superintendent of Police, U.T., Chandigarh, to consider the representation dated 25.06.2024 (Annexure P-3) and assess the threat perception to the petitioners and after considering the same, pass necessary directions to the concerned SHO in this regard.

7. Accordingly, the Criminal Writ Petition stands disposed of in the aforesaid manner.

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

(NAMIT KUMAR)
JUDGE

28.06.2024

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No