



CRWP-6103-2024 :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 28.06.2024

MONIYA AND ANR ... Petitioners
VERSUS
STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Mohit Kakkar, Advocate
for the petitioner. (through Video Conferencing)

Ms. Safia Gupta, AAG, Haryana.

RITU TAGORE, J. (Oral)

1. Present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing respondents No.1 to 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 in live-in-relationship since 26.06.2024. Copies of Aadhaar card of both the petitioners are attached as Annexures P-1 and P-2.
3. 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 26.06.2024 (Annexure P-3) has been given to the Superintendent of Police, Charkhi Dadri, Haryana and SHO, Police Station Badhra but till date



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no action has been taken by the concerned authority in this regard.

4. Learned State counsel on instructions submits that on the representation dated 26.06.2024 (Annexure P-3), the SHO, Police Station Badhra had met the father of petitioner No.2, who informed that petitioners are not residing with him and he is not having any knowledge about the whereabouts of the petitioners.

5. On the other hand, learned counsel for the petitioners submits that the petitioners are on the run due to apprehension of a threat to their life and liberty.

6. 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 and petitioner No.2 has not attained the marriageable age.

7. 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



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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”.

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 the foremost concern at this stage, this petition is hereby disposed of with direction to respondent No.2-Superintendent of Police, Charkhi Dadri, Haryana to consider representation dated 26.06.2024 (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 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
Rimpal

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