



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8269-2024

Date of decision : 29.08.2024

PARAMJEET SINGH AND ANR.

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saksham Dudeja, Advocate for the petitioners.

Mr. J.S.Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Article 226 of the Constitution of India for issuance of a direction to respondents No.2 & 3 to protect the life and liberty of the petitioners and to restrain the private respondents No.5 to 9 not to harass, threaten or interfere in the peaceful relationship of the petitioners.

2. The factual matrix of the present case unfolds as under:- That petitioner No.1 aged more than 24 years and petitioner No.2 aged 30 years are living together but have not married each other. Both the petitioners developed liking for each other and wants to live in live-in-relationship but respondents are extending them threats to life being deadly against their relationship.

3. Considering the aforesaid submissions, this court is of the view that India is recognized for its democratic administration and domestic framework. People, on the whole, have a strong attachment to their houses,



perceiving that a human has a marriage is the most important cognitive process. In our diverse country, marriage as social tie is one the essential of Indian society. Regardless of conviction, individuals regard union as a fundamental advancement in their lives, and they agree that moral values and customs must be preserved for a stable community. India is a country with a diverse set of principles traditions, rituals, and beliefs that serve as essential legal sources. Marriage is a holy relationship with legal consequences and great social esteem. Our country, with its deep cultural origins, places a significant emphasis on morals and ethical reasoning. However, as time has passed, we have begun to adopt Western culture, which is vastly different from Indian culture. A portion of India appears to have adopted Modern lifestyle, namely, the live- in relationship.

4. Entering into marriage therefore is to enter into a relationship that has public significance as well. The institutions of marriage and the family are important social institutions that provide for the security and bear an important role in the rearing of children The celebration of a marriage gives rise to moral and legal obligation, particularly the reciprocal duty of support placed upon spouses and their joint responsibility for supporting and raising children born out of the wedlock.

5. The pre-requisites for a live-in-relationship as held by the Apex Court in ***“D. Velusamy vs. D. Patchaiammal” (2010) 10 SCC 469*** is that the couple must hold themselves out to society as being akin to spouses and must be of legal age to marry or qualified to enter into a legal marriage, including being unmarried.



6. Further the same view of this Court has been reiterated by various other Benches wherein the Court has refused to grant the protection to the couples living in live-in-relationship on the ground that if such protection as claimed, is granted the entire social fabric of the society would get disturbed. Reference regarding this can be placed upon ***Simranjeet Kaur and another v State of Haryana and others(2021)***, wherein the Court refused protection to couples in living relationship as one of the petitioners was married and had not obtained a legal divorce from the respondent. It was held that the petitioners entered into an unholy alliance and there is no valid and convincing material in the writ petition for exercising the extraordinary writ jurisdiction.

7. In view of the above discussions and reading of the above clearly indicates that to attach legitimate sanctity to such a relation, certain conditions are required to be fulfilled by such partners. Merely because the two persons are living together for few days, their claim of live-in-relationship based upon bald averment may not be enough to hold that they are truly in live-in-relationship and directing the police to grant protection to them may indirectly give our assent to such illicit relationship, and, therefore, the orders cannot be passed under Article 21 of the Constitution of India which guarantees freedom of life to all citizens, but such freedom has to be within the ambit of law.

8. Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction. Hence, the same is dismissed.

9. However, if the petitioners moves the police authorities showing that they have genuine grievance or threat to their life, the police



authority may do the needful after verification of all the facts as narrated by them in their representation.

29.08.2024
anuradha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>