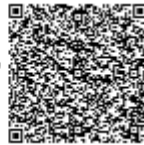


2024:PHHC:168083



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

**CRWP-12053-2024
DECIDED ON: 16.12.2024**

PAWANPREET KAUR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Karandeep Singh Dargan, Advocate
 for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of *Mandamus* directing the official respondents to protect the lives and liberty of the petitioners at hands of respondents No.4 to 13.

2. The factual matrix of the present case unfolds as under:-

 That petitioner No.1 aged 22 years and petitioner No.2 aged 20 years are living together in live-in-relationship. Both the petitioners developed liking for each other and wants to marry but private respondents are against their wishes, as petitioner No.2 is not of marriageable age.

3. Considering the aforesaid sfacts, 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. Under Article 21 of the Indian Constitution each and every individual has a right to live with peace, dignity and honour. Moreover, every person has a right to have his reputation preserved. It is a jus in rem, a right good against all in the world. Article 21 of the Constitution of India places Fundamental Rights on a much higher pedestal. It must be preserved since it is sacred under the Constitutional Scheme. The concept of right to life and personal liberty guaranteed under Article 21 of the Constitution of India includes the right to live with dignity and the petitioners by running away from their parental home is not only bringing bad name to the family but also is violating the right of the parents to live with dignity and honour. Further dependence can be made upon the Apex Court judgment in ***“National Legal Services Authority vs. Union of India”, (2014) 5 SCC 438***, wherein it has been held as under:-

“106. The basic principle of the dignity and freedom of the individual is common to all nations, particularly those having democratic set-up. Democracy requires us to respect and develop the free spirit of human being which is responsible for all progress in human history. Democracy is also a method by which we attempt to raise the living standard of the people and to give opportunities to every person to develop his/her personality. It is founded on peaceful co-existence and cooperative living. If democracy is based on the recognition of the individuality and dignity of man, as a fortiori we have to recognise the right of a human being to choose his sex/gender identity which is integral in his/her personality and is one of the most basic aspect of self-determination, dignity and freedom. In fact, there is a growing recognition that the true measure of development of a nation is not economic growth; it is human dignity.”

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.

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 move an application/representation to the police authorities showing that they have genuine grievance or threat to their lives and liberty, the police authority may do the needful after verification of all the facts, as narrated by them in their representation.

16.12.2024

Anuradha/Sham

(SANDEEP MOUDGIL)
JUDGE

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