



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-11997-2024
DATE OF DECISION: 12.12.2024

RAVI KUMAR AND ANR
.....PETITIONER
Versus
STATE OF HARYANA AND OTHERS
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jaswinder Singh Rana, Advocate For Petitioners.
Mr. B.S. Virk, Sr. DAG, Haryana

SANDEEP MOUDGIL, J

1. The instant petition has been preferred under Article 226 of the Constitution of India for issuance of a direction to official respondents to protect the life and liberty of the petitioners and to restrain the private respondents No. 4 to 13 not to harass, threaten or interfere in the peaceful relationship of the petitioners.
2. The factual matrix of the present case is that the petitioner No. 2 namely Nikita aged 19 years and the petitioner No. 1 namely Ravi Kumar aged 18 years are both residing in live-in-relationship since the Petitioner No 2 escaped her home on account of being forcefully married to an older person by her parents. The Petitioner No. 2 was unable to convince her parents that she want to continue studying and marry the person of her choice after getting mature thereafter she left her home and started residing in live-in relationship with the Petitioner No 1 at his home after coming to know about the same threat from the



family of Petitioner No 2 were levelled, being deadly against their relationship as they are from different caste, hence the present petition was preferred seeking protection of life and liberty.

3. This court in view of the submissions made and also on the perusal of the documents on record is of the considered opinion that in the democratic country of India, all its people have a strong attachment to their home, family and values paving the path for the moral fabric of the Indian society. Wherein marriage is perceived to be a sacrament and an essential social tie of the social fabric, regardless of the fundamental advancement in the lives of the people of India with the diverse set of principle traditions, rituals and beliefs that serve as a cornerstone of the legal sources of our country. Marriage in India is linked with social prestige as evident from the growing market of Indian weddings and marriage is considered to be a holy relationship. 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. The western culture is a society of individuals whereas in our country India the society is that of the community, and therein lies the beauty of our country which we hold proudly with words "Unity in diversity", to maintain the sanctity of our society the foundation of community shall not be rattled.

4. The social prestige of any individual of India is a part of the unalienable right of Article 21 which guarantees the protection of life and

liberty to all except

according to the procedure established by law, wherein the right to live with dignity was elaborated upon in the judgement of **"Maneka Ghandhi Vs. Union of India"** 1978 AIR 597 which held that the Article 21 does not merely limits to an animalistic existence but includes 'right to live with dignity' and the procedure established by law must be fair and reasonable, and can't be oppressive, unreasonable or arbitrary.

5. Therefore this court is of the view that the Petitioners both are not of marriageable age and are a runaway couple who is residing in a live-in-relationship which hampers the social prestige and dignity of the family of both the Petitioners especially the parents of Petitioner No. 2 namely Nikita who is only 19 years old as in India a daughter is comparable to the goddesses in the Indian community and is considered to be the crown jewel of a fathers social prestige and dignity, and Petitioner No 2 running away from home and residing in live-in-relationship against the wishes of her family, and also has dragged her parents to court without any substantial evidence of threat apprehension as placed on record hampers with the fundament right of the parents and family members who have been arrayed as a private respondent No. 4 to 13 in the present case. Thereafter, this court is of the view that the petitioner No. 1 namely Ravi Kumar aged 18 years is stated to be earning a handsome salary as per the averments made but no proof of employment or salary slip has been placed on record and mere holding the pan card doesn't substantiate the claim of earning a handsome income.

6. Under Article 21 of the Indian Constitution each and every individual



has a right to live with peace, dignity and honour, therefore, by allowing such type of petitions we are encouraging the wrongdoers and somewhere promoting litigation against parents and within families further violating the right of the parents and the other family members under Article 21 to live with dignity. 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."



7. 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.

8. 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.

9. The Allahabad High Court has also penned down its thoughts in "**Smt. Aneeta and Another v State of U.P. and Others**", WP(C) No.14443 of 2021 stating that the Court is not against granting protection to people who want to live together irrespective of the fact as to which community, caste or sex they belong to. Live-in-relationship cannot be at the cost of social fabric of this Country.

10. 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.



11. Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction. Hence, the same is dismissed.
12. 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.

12.12.2024
Poonam Negi/anuradha

(Sandeep Moudgil)
Judge

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No