



115

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

CRWP-4965-2025 (O&M)
Date of decision : 19.05.2025

Ruksar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Nafeesh Ahmed, Advocate,
for Ms. Kusum Raj, Advocate for the petitioners.

HARPREET KAUR JEEWAN, J. (Oral)

[1] The prayer in the instant petition filed under Article 226 of the Constitution of India, *inter alia*, is for issuance of direction to respondents No. 2 & 3 to protect the life and liberty of the petitioners from the hands of private respondents No. 4 to 16, who are in a live-in relationship against the wishes of private respondents.

[2] The learned counsel for the petitioners contends that petitioner No.1 had solemnized marriage with respondent No.16 and out of the said wedlock, there are two children-one daughter who is residing with petitioner No.1 and one son, who is stated to be in the custody of his father-respondent No.16. It is further submitted that since their marriage, the behaviour of her husband-respondent No.16 was very cruel towards petitioner No.1 and he was habitual of drinking and gambling. Fed up with the cruelty of her husband, petitioner No.1 left the matrimonial home and went to her parents' house. Though, attempts were also made to compromise the matter between petitioner No.1 and respondent No.16, but the same could not succeed. It is



further contended that meanwhile, petitioner No.1 developed intimacy with petitioner No.2 and now they have started living together, however, the private respondents are threatening them of dire consequences. The petitioners feeling imminent danger to their life and liberty, submitted a written representation (through e-mail) dated 09.05.2025 (Annexure P-3) to respondent No.2, but till date no police protection has been provided to the petitioners and they are facing constant threat from the private respondent Nos.4 to 16.

[3] Notice of motion.

[4] On the asking of the Court, Mr. Aashish Bishnoi, DAG, Haryana, who is present in the Court accepts notice on behalf of respondent Nos.1 to 3. Learned State counsel has confirmed that representation (Annexure P-3) has been received by them, but when the police officials tried to contact the petitioners, they were not traced and their mobiles were switched off.

[5] In support of petitioners being major, they have filed the photocopies of their Aadhar Cards and an affidavit in support of the averments made in the petition wherein petitioner No.1-Ruksar has alleged her date of birth as 01.01.2001 and petitioner No.2-Samun has alleged his date of birth as 06.10.2003. Apart from this, copy of the representation given to the respondent No.2 has also been placed on record.

[6] The Hon'ble Division Bench of this Court in "***Yash Pal and another vs. State of Haryana and others***", bearing CRWP-4660-2021, CRWP-149-2024 and LPA-968-2021 (O&M), decided on



09.09.2024, formulated various questions for decision, including the following question:-

“6. xxxxxxxxxxxx

1. Where two persons living together seek protection of their life and liberty by filing an appropriate petition, whether the Court is required to grant them protection, per se, without examining their marital status and the other circumstances of that case?

2. xxxxxxxxxxxxxx”

[7] While relying upon the decision of the Hon’ble Apex Court in *“S. Khushboo vs. Kanniammal and another”*, (2010) 5 Supreme Court Cases 600; *“Nandakumar and another vs. State of Karala and others”*, (2018) 16 Supreme Court Cases 602; *“Shafin Jahan vs. Ashokan K.M. and others”*, (2018) 16 Supreme Court Cases 368; and *“Soni Gerry vs. Gerry Douglas”*, (2018) 2 Supreme Court Cases 197, the Hon’ble Division Bench of this Court held that *qua* adults in a live-in relationship for warding off threats arising from moral vigilants or from the close relatives or any of them, protection is required to be granted. While affirming the view taken by some of the Single Benches of this Court in various decisions, it was held as under:-

“For the reasons to be assigned hereinafter the judgments (supra) rendered by the Apex Court, and, the judgments rendered by Full Benches of this Court in LPA No. 1678 of 2014 and in LPA No. 769 of 2021, besides the verdicts (supra) rendered by this Court, whereby qua adults in a live-in relationship, thus the espoused protection but for warding off threats arising from moral vigilants or from the close relatives of any of them, has been granted, thus are required to be affirmed. On the other hand, the verdicts (supra) whereby the espoused claim for protection to the adults in a live-in relationship, has been denied, thus are respectfully disagreed with.”



[8] In view of the above, the present petition is disposed of with a direction to the petitioners to approach the Police authorities and upon doing so, respondent No.2-Superintendent of Police, Nuh-Mewat, shall look into the representation dated 09.05.2025, *qua* threat perception and if there is any substance in it, take necessary steps, in accordance with law, to ensure that lives and liberty of petitioners is not jeopardized at the hands of the private respondents.

[9] This order may not be construed as an opinion regarding validity of the relationship *inter se* the petitioners.

[10] Further, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to age of the petitioners or the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, this order shall not be construed to be a bar on proceedings to be initiated as per law.

[11] Pending miscellaneous applications, if any, shall stand disposed of.

19.05.2025

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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :

Yes No

Whether Reportable :

Yes No