



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

**CRWP-7078-2025
DECIDED ON: 03.07.2025**

LAKHVIR KAUR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mudit Johar, Advocate
for the petitioners.

Mr. Jasjit Singh Rattu, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

1. This is a Criminal Writ Petition under Article 226/227 of Constitution of India read with Section 528 of BNSS for issuance of directions to the respondents no.2 & 3 to safeguard the life and liberty of the petitioners from the hands of respondent no 4.

2. Factual matrix of the case unfolds that Petitioner no.1 is a major and her date of birth is 15.09.2000 who was forcibly married to respondent no.4 Mr. Jaspreet Singh wherein their marriage was entirely on paper and orchestrated under pressure without her free will. Petitioner no.1 was routinely abused, slapped and on 22.04.2029, she gave birth to twin children who are residing with respondent no.4.

3. Counsel for the petitioners contends that Petitioner no.1 found emotional and moral support in Petitioner no.2, Kamlajit Singh who is a major and is 23 years of age and is not married, is working as a car mechanic. Both are in relation with each other and petitioner no.2 is taking care of needs of petitioner no.1. So, the petitioner no.1 with her consent and without any pressure entered into live in relationship with petitioner no.2 and now both are residing at Indergarh, District Moga, Punjab since 14th June 2025.

4. He further contends that now, the Respondent no.4 is behind the petitioners and is trying to eliminate the petitioners for which Petitioner no.1 and 2 had moved a representation on 24.06.2025 to respondent no.2 with regard to protection of life and liberty.(Annexure P-3) and now the petitioners are left with no remedy except to approach the Hon'ble court as they are afraid that they will be eliminated by private respondent no. 4.

5. Heard counsel for the petitioners.

6. Considering the aforesaid submissions, this court is of the view that India is recognized for its democratic administration and domestic framework. 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.

7. With regard to the status of live-in-relationship with an existing marriage, the Hon'ble Apex Court in the case of ***Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755***, has held that all live-in-relationships could not be considered synonyms to the relationships in the “nature of marriage”. A live-in-relationship between a married man and a woman or a married woman with a man is not akin to marriage, as it amounts to adultery and bigamy, which is unlawful. Therefore, such woman are not entitled to any protection under the DV Act. Furthermore, certain guidelines were framed by the Apex Court in the aforesaid judgment to consider the live-inrelationships in the nature of marriage wherein the following observations were made:-

“We may, on the basis of above discussion cull out some guidelines for testing under what circumstances, a live-in relationship will fall within the expression "relationship in the nature of marriage" under Section 2(f) of the DV Act. The guidelines, of course, are not exhaustive, but will definitely give some insight to such relationships.

56.1 Duration of period of relationship- Section 2(f) of the DV Act has used the expression "at any point of time", which means a reasonable period of time to maintain and continue a relationship which may vary from case to case, depending upon the fact situation.

56.2 Shared household- The expression has been defined under Section 2(s) of the DV Act and, hence, need no further elaboration.

56.3 Pooling of Resources and Financial Arrangements

Supporting each other, or any one of them, financially, sharing bank accounts, acquiring immovable properties in joint names or in the name of the woman, long term investments in business, shares in separate and joint names, so as to have a long standing relationship, may be a guiding factor.

56.4 Domestic Arrangements-Entrusting the responsibility,

especially on the woman to run the home, do the household activities like cleaning, cooking, maintaining or upkeeping the house, etc. is an indication of a relationship in the nature of

marriage. 56.5 Sexual Relationship- Marriage like relationship

refers to sexual relationship, not just for pleasure, but for emotional and intimate relationship, for procreation of children, so as to give emotional support, companionship and also material affection, caring etc.

56.6 Children- Having children is a strong indication of a

relationship in the nature of marriage. Parties, therefore, intend to have a long standing relationship. Sharing the responsibility for bringing up and supporting them is also a strong indication.

56.7 Socialization in Public- Holding out to the public and

socializing with friends, relations and others, as if they are husband and wife is a strong circumstance to hold the relationship is in the nature of marriage.

56.8 Intention and conduct of the parties. Common intention of

parties as to what their relationship is to be and to involve, and

as to their respective roles and responsibilities, primarily determines the nature of that relationship.”

8. 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. 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 is not only bringing bad name to the family but also is violating the right of the family 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.”

9. 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. 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.

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 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 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 being devoid of merits.
12. Ordered accordingly.

03.07.2025
Meenu

(SANDEEP MOUDGIL)
JUDGE

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