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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-W-940-2025 in/and
CRWP-7189-2025
DECIDED ON: 08.07.2025

MONIKA AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rakesh Kumar, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. This is a Criminal Writ Petition under Article 226/227 of Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents No. 2 and 3 to protect the life and liberty of the Petitioners who are residing under live in relationship, from the hands of private respondents i.e No.5 to 12 to not to harass or interfere in the personal liberty of petitioners.

2. Factual matrix of the case unfolds that Petitioner no.1 is a major and her date of birth is 22.09.2025 and Petitioner no.2 is 18 years of age and his date of birth is 18.10.2006.(Annexure P-1 and P-2 respectively). Both are in relation with each other since past few years and petitioner no.2 is taking care of needs of petitioner no.1. Parents of petitioner no.1 pressurised her to marry an old person of their own caste, however Petitioner no.1 is in love with



petitioner no.2 so petitioner no.1 left her house few days ago and came to the house of petitioner no.2 wherein he is working as a labourer and they are planning to marry in near future with each other. So, they are residing in a live-in relationship with their own free will however, parents of petitioner no.1 are harassing them and pressurising her to leave the company of Petitioner no.2.

3. Counsel for the petitioners contends that now, the Respondents no.5 to 12 are behind the petitioners and they are trying to eliminate the petitioners for which Petitioner no.1 and 2 had moved a representation on 03.07.2025 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 respondents no. 5 to 12.

4. Heard counsel for the petitioners.

5. 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.



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. 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. 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.
8. 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 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.
9. 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. Pending application if any, stands disposed of.
10. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

08.07.2025
anuradha (v)

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