



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRWP-10034-2025

Date of Decision : 15.09.2025

SAISTA AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Aazam Khan, Advocate
for the petitioners.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. Apprehending threat to their life and liberty from private respondents, petitioners, who claim to be in 'live-in' relationship, have filed the present petition under Article 226 of Constitution of India, praying therein to issue appropriate directions to respondents No.2 & 3 to protect their life and liberty.

2. Petitioner No.1 is stated to have been born on 01.01.2003. Copy of the Aadhar Card has been appended as Annexure P-1. Petitioner No.2 is stated to have been born on 01.01.1998. Copy of his Aadhar Card has also been appended as Annexure P-2. It has further been stated in the petition that earlier family members of petitioner No.1 had forcibly got her married to respondent No.4 (Shahid) on 01.07.2021. It has further been alleged that her in-laws and husband started torturing her. Resultantly, she ran away from her matrimonial house and returned back to her parental home. It has next been averred that marriage between petitioner No.1 and respondent No.4 has been dissolved in accordance



with Customary Law.

After petitioner No.1 came in contact with petitioner No.2, she developed a liking for him and expressed her desire to stay with him. However, the private respondents did not approve of this relationship, including her ex-husband, all of whom have been issuing threats to her and petitioner No.2. It has further been averred that both the petitioners are in 'live-in' relationship.

With a view to protect their life and liberty, a representation dated 07.09.2025 (Annexure P-3) had been moved by them to respondent No. 2 - Superintendent of Police, Nuh, which has not been decided till date.

In so far the present petition is concerned, learned counsel for the petitioners has limited his prayer to direct the official respondents to expeditiously decide representation dated 07.09.2025 annexed as Annexure P-3 moved by the petitioners.

3. Notice of motion.

4. On the asking of the Court, Ms. Shweta Nahata, DAG, Haryana, accepts notice on behalf of respondent Nos.1 to 3-State.

5. Mr. Khalid Tauru, Advocate has filed power of attorney on behalf of respondent No. 4 & 5, which is taken on record. Learned counsel submits that without legally dissolving the marriage of petitioner No.1 with respondent No.4, petitioner No.1 cannot be accorded the protection that she is praying for. Further if the petition is entertained, the children of both the petitioners would be rendered homeless.

6. Heard.

Before proceeding further, it would be appropriate to refer to the judgment of co-ordinate Bench of this Court dated 18.05.2021 passed in CRWP No.4521-2021 titled as ***“Pardeep Singh and another Vs. State of Haryana and others”***, wherein it was held as under:-

“The Constitution of India is the Supreme Law of the land. Right to life and liberty is enshrined therein and is treated as a basic feature. The said right includes the right of an individual to full



development of his/her potential in accordance with his/her choice and wish and for such purpose, he/she is entitled to choose a partner of his/her choice. The individual also has the right to formalize the relationship with the partner through marriage or to adopt the non-formal approach of a live-in- relationship. The concept of live-in-relationships has crept into our society from western nations and initially, found acceptance in the metropolitan cities, probably because, individuals felt that formalization of a relationship through marriage was not necessary for complete fulfillment. Education played a great role in development of this concept. Slowly, the concept has percolated into small towns and villages also as is evident from this petition. This shows that social acceptance for live-in-relationships is on the increase. In law, such a relationship is not prohibited nor does it amount to commission of any offence and thus, in my considered view such persons are entitled to equal protection of laws as any other citizen of the country. The law postulates that the life and liberty of every individual is precious and must be protected irrespective of individual views.

Let us examine the issue from another view-point. The Constitutional Courts grant protection to couples, who have married against the wishes of their respective parents. They seek protection of life and liberty from their parents and family members, who disapprove of the alliance. An identical situation exists where the couple has entered into a live-in-relationship. The only difference is that the relationship is not universally accepted. Would that make any difference ? In my considered opinion, it would not. The couple fears for their safety from relatives in both situations and not from the society. They are thus, entitled to the same relief. No citizen can be permitted to take law in his own hands in a country governed by Rule of Law.

The petition is accordingly, disposed of with direction to respondent No.2 to consider the representation dated 9.5.2021 (Annexure P3) and to provide appropriate protection, if found



necessary. It shall be ensured that no harm comes either to the lives or liberty of the petitioners.”

It would also be appropriate to refer to the judgment of Division Bench of this Court dated 03.09.2021 passed in LPA No.769 of 2021 titled as **“Ishrat Bano and another Vs. State of Punjab and others”**, wherein it was held as under:-

“The aspect which we are considering and dealing with is with regard to the threat to the life and liberty to the appellants as has been asserted by them. No doubt, in case a criminal case is registered against any of the parties, the law should take its own course, however, the life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law. No person can be permitted or allowed to take law in his hands and therefore, keeping in view the said aspect, we dispose of the present appeal by observing that the Senior Superintendent of Police, Maler Kotla, shall take into consideration the representation dated 17.08.2021 (Annexure P-5) submitted by the appellants and if some substance is found therein, take appropriate steps in accordance with law to ensure that the life and liberty is not jeopardized of the appellants at the hands of the private respondents. This direction shall not be construed in any manner to restrain the official respondents to proceed against the appellants in case there is some criminal case registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the appellants, if required in law and in accordance thereto.”

It is thus clear that after holding that protection of life and liberty is of paramount consideration and without expressing any opinion as to whether the relationship between the petitioners was legal or not, petitioners were granted the protection.



7. Keeping in view of the facts and circumstances of the case which have been mentioned hereinbefore, but without commenting upon the legality of the relationship between the petitioners or expressing any opinion on the merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to respondent No.2 to consider the representation dated 07.09.2025 (Annexure P-3) and to assess the threat perception to the petitioners and after considering the same, respondent No.2 shall take appropriate action in accordance with law.

Accordingly, the petition stands disposed of with the abovesaid directions.

It is, however, clarified that this order shall not debar the State and/or any person aggrieved from initiating appropriate proceedings against any or both of the petitioners, if any cause of action arises by the petitioners ‘live in’ relationship or if they are involved in any case.

(AARADHNA SAWHNEY)
JUDGE

15.09.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No