



CRWP-5546-2026(O&M)

1

**145 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-5546-2026(O&M)****Date of Decision :11.05.2026**

Kanchan Thapa and Another

....Petitioners

VERSUS

State of Punjab and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.Simratpal Singh Giran, Advocate and
Ms. Kanupriya Grewal, Advocate for the petitioners

MANDEEP PANNU J. (Oral)

1. The present writ petition under Article 226 of the Constitution of India has been filed seeking issuance of a writ in the nature of mandamus directing the official respondents to protect the life and liberty of the petitioners at the hands of private respondents, who are none other than the family members of the petitioners.

2. Learned counsel for the petitioners seeks protection of life and liberty of the petitioners by contending that both of them are major and are living together in a 'live-in relationship' against the wishes of their respective family members and to seek appropriate protection from the authorities, they have submitted a representation dated 10.05.2026 (Annexure P-3) in this regard to the Senior Superintendent of Police, S.A.S.Nagar, Mohali, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.



3. Notice of motion only to official respondents.
4. On the asking of the Court, Mr. Hardeep Hans, AAG, Punjab, accepts notice on behalf of the official respondents. A copy of the paper-book be handed over to him during the course of the day.
5. The issue as to whether marriage is a must for providing protection to a couple in a 'live-in relationship', keeping in view the fundamental rights ensured under Article 21 of the Constitution of India, has been considered by the different Benches of this Court in CRWP-4521-2021 titled as '**Pardeep Singh and another vs. State of Haryana and others**' decided on 18.05.2021 and in LPA 1678-2014 titled as '**Rajwinder Kaur and another vs. State of Punjab and others**' decided on 09.10.2014.
6. This Court in **Pardeep Singh's** case(supra) while granting protection to the petitioners therein, where they were residing in a live-in relationship, had 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 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. 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."

7. In **Rajwinder Kaur's** case(supra), the Division Bench has held as under:-

"We have no reason to doubt that the fundamental right to life and liberty is so sacrosanct and stands at such a high pedestal that it must be protected even in the absence of an incident like solemnization of a valid marriage between the parties. While the appellants might be required to satisfy an appropriate forum regarding the validity of their marriage but even in the absence of such validation, the State is obligated to protect their life and liberty. We, thus, modify the order passed by the learned Single Judge and dispose of this appeal with a direction to the respondent-police-authorities to ensure that no harm is caused by anyone to the life and liberty of the appellants. The police-authorities shall, however, verify the age of the appellants and if any further remedial action is required to be taken on such verification, the same shall be taken forthwith."



CRWP-5546-2026(O&M)

4

8. Thus, in view of the law laid down in **Pardeep Singh's** case (supra) and **Rajwinder Kaur's** case(supra), this Court is of the view that even in case the petitioners are in a "Live-in Relationship", protection qua the life and liberty of the petitioners being sacrosanct stands at the highest pedestal. Thus, they are entitled to be granted protection of life and liberty.

9. Thus, the Senior Superintendent of Police, S.A.S.Nagar, Mohali is directed to consider the representation dated 10.05.2026 (Annexure P-3) qua threat perception and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

10. It is nevertheless clarified that this order is issued only on the premise that the petitioners have crossed the age of majority as seen from the documents placed on record being their Aadhar Cards as Annexures P-1 and P-2 respectively. This would not *ipso facto* amount to granting any seal of approval on the legality of their relationship. Further, they would not be entitled for any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence(s).

11. The petition is disposed of with the above direction.

12. Pending application(s), if any, is/are disposed of.

May 11, 2026
rekha

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No