



CRWP-6330-2026 (O&M) -1-

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

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**CRWP-6330-2026 (O&M)
Decided on: 27.05.2026**

HARMANJOT KAUR AND ANOTHER

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioners.
(Through VC)

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. The prayer in the instant criminal writ petition filed under Articles 226/227 of the Constitution of India is for issuance of directions to respondents No.2 & 3 to protect life and liberty of the petitioners at the hands of respondents No.4 to 7 and to restrict them from harassing and interfering in their married life.

2. Learned counsel for the petitioners contended that the petitioner No.1 is 17 years and 05 months and petitioner no.2 is 19 years of age and are residing together in a live-in relationship, but they apprehend threat to their life and liberty from the private respondents. While drawing the attention of this Court to representation dated 25.05.2026 (Annexure P-3), learned counsel has submitted that the matter was reported to respondent No.2-Senior Superintendent of Police, Jagraon, District Ludhiana seeking police protection, however, it went in



vain. Learned counsel further submitted that the petitioners would be satisfied if directions are issued to respondent No.2-Senior Superintendent of Police, Jagraon, District Ludhiana to look into the aforesaid representation and take appropriate steps at the earliest.

3. Notice of motion.

4. In pursuance of advance notice, Mr. Anup Singh, AAG, Punjab, accepts notice on behalf of respondent-State and submitted that both the petitioners are living in live-in-relationship, however, petitioner No.1 has not attained the age of majority. A child cannot have a live-in-relationship as it would be an act not only immoral but also illegal. There are several conditions for live-in-relation to be treated as relation in nature of marriage. In case, this is permitted, this would amount to putting premium on an illegal activity and thus, would not be in the interest of our society. Such kind of relationship should not be protected with the umbrella of protection granted by this Court. There is no dispute to the proposition that Article 21 of the Constitution of India is sacrosanct and it is imperative upon the State to take adequate measures to protect the life and liberty of each person. However, there are statutory safeguards required under the statutory scheme to protect the interest of a minor and once such a fact comes to the notice of the Court, it becomes incumbent upon the Court in its capacity as *parens patriae* to examine what is in the best interest of the minor. It is also submitted that an FIR No.47 dated 24.05.2026 at Police Station Mehar Kalan, has already been registered against petitioner No.2.



5. Heard.

6. Petitioners are in live-in-relationship, however, one of the partner i.e. petitioner No.1 is admittedly below the age of 18 years. Petitioners seek protection of life and liberty under Article 21 of the Constitution of India, citing threats from the private respondents due to the said live-in-relationship. Upon consideration, it is clear that the girl/petitioner No.1 is a minor.

7. Albeit, a live-in-relationship in the nature of marriage has attained sanction of law by the catena of judgments of the Hon'ble Apex Court. However, there are certain pre-requisite conditions required for a relation to be a lawful live-in-relationship. The Hon'ble Apex Court in the cases titled as "*D. Velusamy vs. D. Patchaiammal, Criminal Appeal Nos.2028-2029 of 2010*" and "*Indra Sarma Vs. V.K.V. Sarma, 2014 AIR Supreme Court 309*" has laid down the conditions for a relationship to be a valid relationship in the nature of marriage. One of the condition is that "they must be of legal age to marry".

8. Moreover, in *Independent Thought v. Union of India, (2017) 10 SCC 800*, the Hon'ble Supreme Court unequivocally held that Exception 2 to Section 375 IPC, which allowed marital intercourse with a wife above the age of 15 years, is unconstitutional, and the age of consent in all cases is 18 years, even within marriage. Further, under the Prohibition of Child Marriage Act, 2006, the minimum legal age for a girl to marry is 18 years; Protection of Children from Sexual Offences (POCSO) Act, 2012, all sexual activity with a person below 18 is



statutory rape, regardless of consent or marital status; Juvenile Justice (Care and Protection of Children) Act, 2015, every child in need of care and protection must be safeguarded from abuse, exploitation and neglect. These special laws are secular, welfare-centric, and override personal laws. They reflect the compelling state interest in protecting children, and legislative intent to criminalize child marriage and sexual acts with minors, even under the guise of marriage.

9. In the light of aforesaid discussion, this Court is not inclined to grant protection to a couple of live-in-relationship, where one of the partner is minor as granting the same would defeat the very purpose of the aforesaid beneficial statutes. However, this Court is giving the following directions in the light of the directions laid down in case of **‘P..... Minor through Vikram vs. State of Haryana and others’**, CRWP-2139-2022 (O & M):

(i) *The petitioners are directed to appear before the SSP concerned within a period of 07 days, from today, who shall thereafter produce petitioner No.1 before the Child Welfare Committee constituted under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015.*

(ii) *Respective committee shall conduct inquiry contemplated under Section 36 of Juvenile Justice (Care and Protection of Children) Act, 2015 and pass an appropriate order by associating all the stakeholders to*



ensure that the objects of the Juvenile Justice Act are well served.

(iii) The Child Welfare Committee shall take appropriate decisions with respect to the boarding and lodging of the minor and also to conduct enquiry on all issues relating to and affecting safety and well-being of the child/minor.

(iv) During the pendency of such adjudication and passing of orders as contemplated under Section 37 of the Juvenile Justice (Care and Protection of Children) Act 2015, the committee shall also take appropriate interim/decisions as regards placement of a child/custody of the child in need of care and protection.

(v) The concerned SSP/SP shall also take appropriate steps as warranted by law against the threat perception to the petitioners and to ensure that the petitioners are protected from any physical harm at the instance of the respondents in respective cases. However, this will not create any impediment in taking action against petitioner No.2 as per law, if he is found to have committed any offence.

(vi) The petitioners are directed to appear in the office of SSP/SP of the respective Districts within a period of 07 days, failing which the concerned SSP/SP shall depute a Child Welfare Police Officer to produce the minor before



the Child Welfare Committee within a period of 01 week thereafter.

(vii) The Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015, shall send a compliance report to this Court.

10. Disposed of accordingly.

11. Registry is directed to send the copy of order along with petition and annexures to the concerned SSP/SP for necessary compliance.

(SUBHAS MEHLA)
JUDGE

27.05.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO