

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

111

CRWP-6086-2024  
Date of Decision: 28.06.2024

RAJBIR KAUR AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Ms. Dolli Sharma, Advocate  
for the petitioners.

Dr. Dharminder Singh Lamba, DAG, Punjab.

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RITU TAGORE, J.(Oral)

1. Present petition has been filed under Article 226/227 of the Constitution of India for issuance of necessary direction to respondents No.1 to 3 to protect life and liberty of the petitioners at the hands of respondent No.4.
2. Learned counsel for the petitioners submits that both the petitioners are in live-in-relationship. Petitioner No.1 previously married to Davinder Singh in the year 2018 and one child born out of the wedlock is currently residing with his father. On account of matrimonial disputes and physical violence committed by the husband of petitioner No.1, she started living separately from her husband since 2021, and is residing with her father. Petitioner No.2 was married to Navdeep Kaur in the year 2023. No child was born out

of the said wedlock. Petitioner No.2 and his wife decided to live separately and entered into a written settlement on 12.04.2024. Copies of Aadhaar card of both the petitioners are attached as Annexures P-1 and P-2.

3. Counsel for the petitioners submits that aforesaid private respondent No.4 has threatened to cause harm to both the petitioners and in this regard, representation dated 26.06.2024 (Annexure P-4) has been given to the Senior Superintendent of Police, Amritsar Rural, Punjab but till date no action has been taken by the concerned authority in this regard.

4. Copies of Aadhaar card of both the petitioners are attached as Annexures P-1 and P-2 relied upon by the petitioners as proof of their age, *prima facie* suggest that both the petitioners are major.

5. Herein, the petitioners, have taken a decision to reside together without the sanctity of marriage and it is not for the Courts to judge them on their decision. In **S. Khushboo Vs. Kanniammal, (2010) 5 SCC 600**, it has been held that live-in-relationship is permissible and the act of two adults living together cannot considered illegal or unlawful, while further holding that the issue of morality and criminality are not co-extensive. Further in a judgment of Hon'ble the Supreme Court of India **Nandakumar and another Vs. State of Kerala and others, 2018 (2) R.C.R. (Civil) 899**, it has been held that, "we need not go into this aspect in detail. For our purposes, it is sufficient to note that both appellant No.1 and Thushara are

major. Even if they were not competent to enter into wedlock (which position itself is disputed), they have right to live together even outside wedlock. It would not be out of place to mention that 'live-in relationship' is now recognized by the Legislature itself which has found its place under the provisions of the Protection of Women from Domestic Violence Act, 2005”.

6. Article 21 of the Constitution of India envisages that no person shall be deprived of his/her right to freedom and personal liberty except in accordance with the procedure established by law. The State is duty bound to protect the life and liberty of its citizen. In this regard reference can be made to the judgment of Hon'ble the Supreme Court of India in **Lata Singh Vs. State of UP and another JT 2006 (6) SC 173.**

7. If the given allegations of threat to the lives of petitioners turn out to be true, it might lead to an irreversible loss. In view of above, without going into the merits of the case and expressing any opinion as to the sanctity of their live-in-relationship because the safety of the petitioners is the the foremost concern at this stage, this petition is hereby disposed of with direction to respondent No.2-Senior Superintendent of Police, Amritsar Rural, Punjab to consider representation dated 26.06.2024 (Annexure P-4) and to take remedial measures to protect life and liberty of petitioners if so warranted, in accordance with law.

8. It is further made clear that if the petitioners are otherwise found to be involved in any other case, in such an

eventuality, this order shall not preclude the competent authority from taking appropriate action against the petitioners, that law permits.

28.06.2024  
Rimpal

(RITU TAGORE)  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No