
(2019) 11 P&H CK 0012

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 31834 Of 2019

Megha And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 04-11-2019

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2019) 11 P&H CK 0012

Hon'ble Judges : Sanjay Kumar, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Sanjay Kumar, J

Heard.

Pleadings on record have been perused.

Petitioners are both aged about 19 years. They claim to have developed a relationship over the past several years though the same was not to the liking of the family members of the first petitioner, Megha. They further claim to be in live-in relationship presently. By way of this writ petition, they seek a direction to the police authorities of the State of Haryana to protect their lives and liberty from any threat or intimidation emanating from the family members of the first petitioner, Megha, who are as shown as respondents No. 4 to 6.

As this Court does not propose to go into the merits of the matter, viz., the validity of the petitioners' relationship or the status thereof in the eye of law, there is no necessity to put the unofficial respondents on notice or afford them an opportunity of hearing. This Court is only concerned with the petitioners' right to protect their lives and liberty from any perceived threat from a third party. Such a right would be traceable to Article 21 of the Constitution of India and the State is under a duty to protect the same.

This Court is informed that a learned Judge of this Court had occasion to deal with a couple who claimed to be in a live-in relationship and sought similar protection in CWP-26067-2019 (O&M), titled Seema and another vs. State of Punjab and others, and by order dated 16.9.2019, the learned Judge dismissed the writ petition. However, perusal of the said order reflects that the case turned upon its own individual facts, as that was a case where the woman had deserted her matrimonial home without dissolving her marriage, leaving behind minor children. In such circumstances, the learned Judge was of the opinion that the liaison between the petitioners in that case could not be approved. That apart, the learned Judge found that the pleadings were wholly insufficient for the Court to infer any imminent danger to the life and liberty of these petitioners.

Be it noted that the Supreme Court also had occasion to deal with live-in relationships in Nandakumar & another vs. State of Kerala and others, 2018 AIR (SC) 2254, and observed that even if the parties in the case before it, despite being majors, were incompetent to enter into wedlock, they had a right to live together even outside wedlock. The Supreme Court further observed that live-in relationships had been recognized in law in as much as they found mention in the Protection of Women from Domestic Violence Act, 2005. Reference was made by the Supreme Court to its earlier decisions in Shafin Jahan vs. Asokan K.M., 2018 SCC Online SC 343, and Sony Gerry vs. Gerry Douglas, 2018 AIR (SC) 2254, which held to the effect that an individual expression of choice could not be curtailed as such freedom was conferred upon an individual, who had attained the age of majority, both as a constitutional and as a human right. The Supreme

Court further observed in Sony Gerry's case (supra) that after attaining the age of majority, an individual is entitled to make his/her choice and the Court, as long as the choice remains, cannot assume the role of *parens patriae*. In such a situation, the Court should not assume the role of a super guardian, being moved by any kind of sentiment.

In the light of the aforesaid binding precedent of the Supreme Court and given the fact that the judgment in Seema's case (supra) turned upon the individual facts of that particular case, this Court is of the opinion that the petitioners would be entitled to seek protection of their lives and liberty from any threat from third parties, including their family members. As the petitioners have already submitted their representation in this regard to the Superintendent of Police, District Mahendergarh at Narnaul, Haryana, on 23.10.2019, the writ petition is disposed of with a direction to respondent No. 2- the Superintendent of Police, District Mahendergarh at Narnaul, Haryana, that the contents thereof be duly verified and if necessary, requisite steps be taken strictly in accordance with law for grant of protection of life and liberty to the petitioners.

No order as to costs.