
(2021) 08 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 7531 Of 2021

Vijay And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2021) 08 P&H CK 0003

Hon'ble Judges : Vikas Bahl, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Vikas Bahl, J

The present Criminal Writ Petition has been filed under Article 226/227 of the Constitution of India for directing respondent Nos.1 to 3 to provide security to the petitioners and to save their life, liberty and property.

The petitioners are living in "Live in Relationship". It has been stated that date of birth of petitioner No.1 namely Vijay is 07.06.2002 as is apparent

from Aadhaar Card (Annexure P-2). Thus, the said Vijay is 19 years and 2 months approximately. The date of birth of petitioner No.2 namely

Chandni Mohammad Husain is 30.01.1999 as is apparent from Aadhaar Card 1 of 5 (Annexure P-1). Thus, she is more than 22 years of age.

Petitioner No.1 has not attained the marriageable age of 21 years. However, both the petitioners have appeared through Video Conferencing and have

stated that they both are unmarried and are living in "Live in Relationship" out of their free will and without any pressure. It has further been stated

that the petitioners have given a detailed representation dated 09.08.2021

(Annexure P-3) to respondent No.2-Superintendent of Police, Karnal. Both the petitioners have also shown their identity cards to this Court through Video Conferencing. Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of respondent Nos.1 to 3.

This Court has considered the facts as stated in the petition as well as the accompanying Annexures. This Court is aware of the fact that petitioner

No.1 is not of marriageable age and that petitioners even as per their own case have not married and are living in ""Live in Relationship"".

The issue as to whether protection of life and liberty should be granted to a couple in a ""Live in Relationship"" is no longer res integra.

Reference in this regard may be made to the decision dated 09.08.2021 in CRWP-7451-2021 titled Tamnna and another Vs. State of Punjab and

others, in which in a similar case of ""Live in Relationship"", this Court was pleased to direct the Senior Superintendent of Police, Patiala to look into the

threat perception of the petitioners therein and pass appropriate order. Relevant portion of the order dated 09.08.2021 in CRWP-7451-2021 is

reproduced hereasunder:-

Petitioners have prayed for issuance of necessary directions to the official respondents for protecting their 2 of 5 civil/personal rights and liberties

from being invaded by the private respondents.

Petitioners are living in live-in relationship. Learned counsel for the petitioners submits that petitioner No.1 is more than 18 years of age. Petitioner

No.2 is more than 18 years of age, but he has not attained the marriageable age of 21 years.

Precisely, in the context of aforesaid relief, petitioners have approached the Senior Superintendent of Police, Patiala, District Patiala/respondent No.2

by way of representation dated 04.08.2021 (through courier).

At this stage, this Court is only concerned with lives and personal liberties of the petitioners.

Notice of motion to respondents No.1 to 3. On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of State-

respondents No.1 to 3.

At this stage, without meaning anything on the merits of the case and without commenting upon relationship or otherwise of the petitioners, respondent

No.2 is directed to look into the grievance of the petitioners for which a representation has already been filed by the petitioners on 04.08.2021.

Respondent No.2 is directed to assess the threat perception of the petitioners. It is made clear that this Court has not commented upon validity of

relationship or otherwise of the petitioners in any manner. Respondent No.2 would be fully empowered to look into the threat perception of the

petitioners by devising his/her own mechanism and pass appropriate order on the representation dated 04.08.2021 preferably within a period of one

month from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

It is also relevant to mention here that Coordinate Bench of this 3 of 5 Court had dismissed one Criminal Writ Petition bearing vide order dated

11.05.2021 where the petitioners were also in ""Live in Relationship"". Relevant portion of the said order dated 11.05.2021 passed in is reproduced

hereasunder:-

Petitioners Gulza Kumari and Gurwinder Singh have filed the present petition stating that presently they are residing together, though, they intend to

get married shortly; they are apprehending danger to their lives at hands of parents of petitioner No.1-Gulza Kumari. As a matter of fact, the

petitioners in the garb of filing the present petition are seeking seal of approval on their live-in-relationship, which is morally and socially not acceptable

and no protection order in the petition can be passed. The petition stands dismissed accordingly.

The same matter was, however, taken to Hon'ble the Supreme Court of India in Special Leave to Appeal (Criminal) No.4028 of 2021 and the Hon'ble

Supreme Court of India had vide its judgment dated 04.06.2021 disposed of the same in the following terms:-

The petitioners in both the petitions are stated to have represented to the Superintendent of Police.

The grievance is that the representation(s) has not been considered by the police.

We have gone through the representation(s). we dispose of both the petitions granting liberty to the petitioners to supplement their representation to

the Superintendent of Police.

Needless to state that since it concerns life and liberty, the Superintendent of Police is required to act expeditiously in accordance with law, including

the grant of any protection to the petitioners in view of the apprehensions/ threats, uninfluenced by the observations of the High Court.

The Special Leave Petitions stand disposed of. Pending applications shall also stand disposed of.

The aspect of life and liberty was considered to be a paramount importance and thus, Superintendent of Police in the said case was directed to act

expeditiously in accordance with law, including the grant of any protection to the petitioners therein.

Neither this Court wishes to go into the merits of the present case nor wants to comment upon the relationship of the petitioners but the only concern

is with regard to their life and liberty, protection of which is of paramount consideration.

After considering the abovesaid facts and without commenting upon the legality of the relationship or expressing any opinion on merits of the case, the

present Criminal Writ Petition is disposed of with direction to respondent No.2 to look into the representation dated 09.08.2021 (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.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

Accordingly, the present Criminal Writ Petition stands disposed of in the abovesaid terms.