

2021 PLRonline 9097

PUNJAB AND HARYANA HIGH COURT

Ashok Kumar Verma J.

HARPREET KAUR v. STATE OF PUNJAB

CRWP- 10399 of 2021

01-11-2021

Constitution of India, 1950 - Articles 226 and 227 - Protection of life and liberty - Live in Relationship - Petitioner No.1 is legally wedded wife of respondent No.4 - Without seeking divorce from her spouse she is living a lustful and adulterous life with petitioner No.2 - Act of petitioners particularly petitioner No.2 may constitute an offence under Sections 494/495 IPC - Such a relationship does not fall within the phrase “live-in-relationship” or “relationship” in the nature of marriage - Petitioners have no legal right for protection on the facts of the present case inasmuch as the protection as being asked may amount to protection against commission of offence under Section 494/495 IPC - Protection not granted- Penal Code, 1860 (IPC) - Section 494, Section 495.

Mr. Davinder Singh, Advocate, for the Appellant; Mr. C.L. Pawar, Sr. DAG, Punjab, for the Respondent.

JUDGMENT

Ashok Kumar Verama, J. (Oral). – Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of private respondents as the petitioners are in live-in-relationship against the wishes of the private respondents.

2. Perusal of file shows that petitioner No.1 Harpreet Kaur aged about 23 years is legally wedded wife of respondent No.4 Gurjant Singh, and without seeking divorce from her spouse she is living a lustful and adulterous life with petitioner No.2. Once petitioner No.1 is a married woman being wife of respondent No.4-Gurjant Singh, the act of petitioners particularly petitioner No.2 may constitute an offence under Sections 494/495 IPC. Such a relationship does not fall within the phrase “live-in-relationship” or “relationship” in the nature of marriage.

3. Petitioners have no legal right for protection on the facts of the present case inasmuch as the protection as being asked may amount to protection against commission of offence under Section 494/495 IPC. This petition has been filed just to obtain a seal of this Court on their so called live-in-relationship. On the face of it, the representation (Annexure P-3) appears to be a fake document as no receipt or diary number of the office of Senior Superintendent of Police, Barnala is given or attached.

4. In view of the above, the present petition is dismissed.