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

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Date of Decision: 08.07.2026

GAJNA AND ANOTHER

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present : Mr.Akram Hussain, Advocate
for the petitioners.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

VIRINDER AGGARWAL, J. (Oral)

1. Prayer in the instant petition filed under Articles 226/227 of the Constitution of India is for issuance of directions to the official respondents No.1 to 3, to protect the lives and liberty of the petitioners, who apprehend threat to their life at the hands of private respondents No.4 to 7 and to decide the representation dated 02.07.2026.

2. Petitioner No. 1-Gajna is legally wedded to Dharmveer, and two sons were born out of the said wedlock, who are presently in the custody of their father. Petitioner No. 2-Anil is major and unmarried. The petitioners are presently residing together in a live-in relationship. Since the commencement of their live-in relationship, the petitioners have allegedly been subjected to threats of dire consequences at the hands of the private respondents.

3. Notice of motion to official respondents.



4. Mr. Surender Singh Pannu, learned Addl.A.G., Haryana, accepts notice on behalf of official respondents.

5. The question with regard to grant of protection to persons who are in live-in relationship and out of the petitioners, one is already legally married and has a living spouse came up for consideration before Division Bench of this Court in ***Yashpal and others versus State of Punjab*** in ***CRWP-4660-2021***, wherein it was held that such petitioners are entitled to seek protection of their lives and liberty but before approaching the Writ Court, petitioners are required to approach District Legal Services Authority or State Human Rights Commission for redressal of their grievance and it was held as under:-

“24. The expressions in the verdict (supra) made by Justice D.Y.Chandrachud, are that the right to sexual privacy is a natural right, fundamental to liberty and a soulmate of dignity. Consequently, the application of Section 497 IPC is a blatant violation of these enunciated rights. The essence of the above expostulation of law whereby balances or reconciliations are done inter se socio-moral fabric becoming purportedly eroded, through a live-in relationship becoming entered into by the partners where one of whom is married, thus with the (supra) constitutionally granted right of privacy, besides the concomitant thereto freedom to express hence being an inviolable right of autonomy of body, through the entering into of a live-in relationship, thus coaxes this Court to make the hereinafter inferences.

(i) That when one of the live-in partners is married, thus upon tangible threats becoming purveyed to the live-in couple by any of their respective family members or by any moral vigilant, thus thereby the said live-in couple becoming entitled to claim protection, vis-a-vis their relationship becoming as such obstructed.



(ii) *The apposite assault mental or physical, as may stem from either the family members of the live-in couple or from moral vigilants concerned, do obviously truncate the above principles of law (supra) borne in verdict (supra) made by the Apex Court. If so, the autonomy to express endowed upon any living person, which also includes the autonomy of body but would be the casualty, if the assaults public, private, mental or physical becoming evidently openly proclaimed or theirs also becoming permitted to become potentialized, therefore, protection is to be granted to the above genre of relationship.*

(iii) *Therefore, irrespective of socio-moral effect of such live-in relationships rather the preemptions of apposite assaults of any nature, befalling the live-in couple concerned, is the cornerstone of the structure laid by the Apex Court, whereby, self autonomy in its various dynamic forms has been endowed upon the live-in couple, even if one of them is married, and, even if thereby thus decriminalized adultery does erupt. Therefore, thereby the protection to the above genre of relationship is to be granted.*

(iv) *Be that as it may, if any of the partners in a live-in relationship has minor children, thus none of the partners in the live-in relationship is required to be abandoning his/her duty to provide optimum care and protection to the minor children. Though, there are remedies under law whereby the maintenance amounts can become adjudged vis-a-vis the minor children. However, that may not be sufficient to ensure the best nourishing of the personality of a minor child which would rather occur only when the father besides providing maintenance also gives fatherly love, and/or when the mother gives motherly love to the minor child. As such, the live-in couple, one of whom is a major, though may in the manner directed hereinafter seek protection but the granting of protection by Courts of law, thus as parens patriae of minor children, may be conditioned upon the well being, best*



care takings, and, nourishing of the personality of the minor child being undertaken to be purveyed by the parent concerned.

(b) Moreover, children born out of legitimate wedlocks who would but be the sufferers of the live-in relationship of the above genre, thereupon their well being naturally requires becoming addressed. In case one of the partners in the above genre of live-in relationship is married, and, is a male, thereupon the minor children whom he fathers are expected to be maintained by him. Though, directions in the above regard can be passed by the Courts of competent jurisdiction, but as a moral obligation the male partner in the live-in relationship, who fathers minor children, but is expected to discharge his moral duty as a father towards his minor children. Therefore, as a precondition, the well recourse to the hereafter evolved mechanism, thus requires that the male partner in the live-in relationship who has fathered the minor children, does become encumbered with the apposite parental obligations towards his minor children, rather than the de facto custodians of the minor children, who may be either the mother or the close relatives of any of the partners in live-in relationship, being led to avail the Civil Court remedies.

25. Be that as it may, to avoid the emergence of a spate of litigations relating to purveying of protection to the above genre of live-in relationship, thereby the mechanisms other than the live-in couple accessing the writ Courts, but are required to be devised, as thereby there would be some ebbing of the flood of litigations appertaining to the above genre of live-in relationships claiming for grantings of apposite protection.

26. The police agencies are already over burdened, and, in case there is evident tangible threat emanating from any concerned,



therebys the deployment of police escorts with the married couples, would cause an illencumbrance upon the already over burdened police force. Consequently, some other mechanism is required to be devised for warding off perceived threats by a live-in couple of the above genre. The mechanisms in the above regard, to the considered mind of this Court are-

(a) Initially the couples accessing the jurisdictional District Legal Services Authority concerned, so that the therein array of para legal volunteers or the array of counsellors become deployed to counsel both the live-in couple as well as the persons or agencies concerned, wherefrom whom threats emanate.

(b) The State Human Rights Commission also becoming accessed by the live-in couples of the above genre, so that therebys there can be easing of the threats, as stem from the moral vigilants or from the relatives of the live-in couples of the above nature. However, as stated (supra), the well advised effective warding offs may be made subject to the condition, that the live-in couples ensuring the optimum care givings to the minor children concerned, but only after the married persons' concerned, thus outside the live-in relationship also being consulted, and, becoming joined in the counsellings, respectively undertaken by the para legal volunteers or by the counsellors concerned, besides by the Human Rights Commission.

27. Subsequently, in case the mechanisms as are well considered to be effectively deployed by the above (supra) thus for warding off the threats, as become purveyed to the above genre of live-in couples, thereupon, the live-in couples may not access the writ Courts, unless the mechanisms (supra), as become employed are evidently rather a complete failure.

28. Consequently, the verdicts (supra) wherebys protection became granted to the live-in couples where one of them is married, are respectfully affirmed. On the other hand, the verdicts (supra) taking postures contrary to the above, wherebys protection to live-



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in couples where one of them is married, has been declined, are respectfully disagreed with.”

6. In the present case, there is no material on record that petitioners before approaching this Court has approached either District Legal Services Authority or State Human Rights Commission, so, in view of the law laid down by this Court in ***Yashpal*** (supra), the protection petition is not maintainable. Consequently, the petition is dismissed as not maintainable. However, the petitioners shall be at liberty to avail the appropriate remedy before the concerned District Legal Services Authority or the State Human Rights Commission, in accordance with law.

7. Pending misc. application (s), if any, shall also stand disposed of.

(VIRINDER AGGARWAL)
JUDGE

08.07.2026
S. Pathania

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No