

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 1108/2025

1. Warisha D/o Shri Tahir Khan, Aged About 21 Years, R/o Johdi Bas, Dadar Mehwa, Police Station Sadar, District Alwar, Rajasthan.
2. Vahid Khan S/o Shri Jumme Khan, Aged About 21 Years, R/o Bambu Ka Bas, Mannaka Tulera, Police Station Vaishali Nagar, District Alwar, Rajasthan.

----Petitioners

Versus

1. State of Rajasthan, Through Secretary, Department of Home Affairs Govt. Secretariat Jaipur.
2. Director General of Police, Police Head Quarter, Lal Kothi, Jaipur.
3. The Superintendent of Police, Alwar (Raj.)
4. The Station House Officer Police Station, Vaishali Nagar, District Alwar (Raj).
5. Aas Mohammed S/o Aas Mohammed, R/o Village Niwali, Police Station Ramgarh, District Alwar.
6. Tahir Khan S/o Aas Mohammed, R/o Village Niwali, Police Station Ramgarh, District Alwar.
7. Ameen Khan S/o Abdul, R/o Village Niwali, Police Station Ramgarh, District Alwar.
8. Sultan S/o Nuruddin, R/o Mehwa, Police Station Sadar, District Alwar, Rajasthan.
9. Jilsan S/o Sultan, R/o Mehwa, Police Station Sadar, District Alwar, Rajasthan.
10. Sattar S/o Nuruddin, R/o Mehwa, Police Station Sadar, District Alwar, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Sanjay Khan, Adv.
For Respondent(s)	:	Ms. Manju Dave, P.P.

HON'BLE MR. JUSTICE UMA SHANKER VYAS

Judgment / Order

09/04/2026

Heard learned counsel for the petitioners as well as the learned Public Prosecutor for the State.

The instant writ petition has been preferred by the petitioners seeking protection of their life and personal liberty.

Upon perusal of the record, it transpires that petitioner No.1 is already married. The issue as to whether a live-in-relationship between a married and an unmarried person is legally permissible and whether such persons are entitled to protection, has already been considered by a Coordinate Bench of this Court in ***Rashika Khandal & Anr. Vs. State of Rajasthan & Ors., reported in 2021 SCC Online Raj. 4296.***

In the aforesaid judgment, while taking into consideration law laid down by the Hon'ble Supreme Court in ***D. Velusamy Vs. D. Patchaiammal (2010) 10 SCC 469***, it was held that such a relationship is not permissible and consequently, the petitioners are not entitled to seek protection. Relevant paras of the judgment in *Rashika Khandal (supra)* are reproduced hereinbelow:

"2. From perusal of the record, it is revealed that Petitioner No.2 is already married. A live-in-relationship between a married and unmarried person is not permissible.

3. The pre-requisites for a live-in-relationship as held by the Apex Court in "D.Velusamy vs. D. Patchaiammal (2010) 10 SCC 469" is that the couple must hold themselves out to society as being akin to spouses and must be of legal age to marry or qualified to enter into a legal marriage, including being unmarried.

4. Criminal Miscellaneous Petition is accordingly dismissed."

In view of law laid down in the aforesaid judgments of Hon'ble Supreme Court and the Rajasthan High Court, the present writ petition is liable to be dismissed. Consequently, the criminal writ petition is dismissed.

(UMA SHANKER VYAS),J

YOGESH KUMAR /06