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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 27.03.2025

Arshdeep Singh and another

...Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOELPresent: Mr. Prince Sharma, Advocate for the petitioners
(through V.C.)

SUMEET GOEL, J. (Oral)

1. The substantive prayer made in the petition in hand reads thus:

"It is, therefore, respectfully prayed that the petition may kindly be allowed and direction may kindly be issued to the respondents no.1 to 3 to provide protection to life and liberty to the petitioners from the hands of respondents no. 4 to 7.

It is further prayed that directing the respondents No. 2 and 3 not to adopt the coercive method to arrest the petitioner no. 1 and his family members in false criminal case arising out of this relationship."

2. Learned counsel for the petitioners, pleading their cause, has argued that the petitioners are well known to each other since long and are in a live-in-relationship at the moment. Earlier, both the petitioners were engaged with each other with the consent of their respective family(s) but the family of petitioner No.2, later on, broke the engagement as the father of petitioner No.2 intended to get her married to a man, elder to her, as he has offered to take petitioner No.2 abroad after marriage. Learned counsel has further iterated that the petitioners have faced the wrath of their families on account of their live-in-relationship and, therefore, protection of their life and liberty at the hands of private respondent(s) has been entreated for.



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3. At this juncture, it would be apposite to refer herein to a judgment passed by the Division Bench of this Court titled as ***Yash Pal and Another vs. State of Haryana and others, 2024 SCC OnLine P&H 10239***, relevant whereof reads as under:

“42. A minor in a live-in relationship with an adult or where the live-in relationship is partnered only by minors, thereby the concerned cannot seek the protection from Courts of law. The reason for making the said conclusion becomes firmly embedded in the factum, that a minor belonging to any religious denomination, thus is incompetent to contract. If so, he/she has no capacity even to make choices or to express his/her freedom. Contrarily the freedom to make choices by the minors are ably fettered, by the statutes respectively nomenclatured as The Hindu Minority and Guardianship Act, 1956, and, as nomenclatured as Guardians and Wards Act, 1890.

43. Furthermore, in respect of religious communities other than the Hindus, the Indian Majority Act, thus prescribing the age of majority, thereby becomes the regimen whereby, there is a bar against a minor entering into a contract. The effect thereof, is that, the said disability encumbered upon a minor belonging to a religious denomination other than the Hindus, thus thereby also concomitantly preempting the minor from making any choices, disability whereof also covers the makings of ill choices qua the entering into a live-in relationship either with a minor or with an adult.

44. If protection is provided to minor partners, who are in a live-in relationship where only one of them is a minor, or where both are minors, thereby the granting of the espoused protection, rather would run counter, vis-a-vis, well statutory crampings of discretions of a minor. Moreover thereby this Court would be avoiding to perform its duty as a parens patriae towards the minors whereby rather this Court is required to be ensuring the welfare of the minor concerned. Therefore, the said solemn duty cast upon Courts of law, naturally requires that the minor concerned, rather than being permitted to be a partner in a live-in relationship either with a minor or with an adult, thus his/her custody is required to be ensured to be retrieved to his/her parents, and, natural guardian. However, in the above endeavour if the Court perceives that there would be an imminent threat to the life of the minor, thereby, the Courts are required to be proceeding to recourse the relevant provisions

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of the Juvenile Justice (Care and Protection of Children) Act, 2015, inasmuch, as directing the minor to till his or her attaining majority, thus staying comfortably at Children Home or at a Nari Niketan, as the case may be.”

3.1. *Ergo*, in adjudicating upon a petition for protection wherein minors are involved in a live-in-relationship, the Court must remain mindful of the fact that the paramount consideration remains the welfare and well being of the minor in question. To extend the mantle of protection in such circumstances would, in effect, constitute an implicit approbation of a live-in arrangement involving minors, a proposition repugnant to the established statutory framework designed to shield the young and impressionable from exploitation and moral peril. The law, in its sagacity, has circumscribed the liberties of minors, recognizing their tender age and the consequential susceptibility to undue influence and imprudent choices. By legislative fiat, provisions exist to interdict any form of abuse or impropriety that might arise from the unfettered discretion of those yet to attain the full facilities of maturity. Any judicial imprimatur that indirectly sanctions a minor's involvement in such a relationship would not only be antithetical to the legislative intent but would also undermine the very bulwark erected to preserve the sanctity of youthful innocence. Thus, the Court, while exercising its protective jurisdiction, must tread with measured caution, ensuring that its decree does not, even by implication, countenance that which the law expressly deprecates.

4. Reverting to the factual matrix of the case in hand, it is admitted case of the petitioners that the petitioner No.2 namely Palakdeep Kaur was born on 25.08.2007 and she is aged about 17 years, 06 months and 25 days

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at the time of institution of the petition in hand. Indubitably, the petitioner No.2 is a minor and, therefore, the petitioners cannot be afforded relief(s) as sought for in the petition in hand.

5. In view of the above ratiocination, it is directed as under:

- (i) The petition in hand is dismissed.
- (ii) Senior Superintendent of Police, Taran Tarn, Punjab is directed to take requisite steps in accordance with law.

Registry of this Court is directed to sent, forthwith, a complete copy of the paper-book of the present petition alongwith the instant order to Senior Superintendent of Police, Taran Tarn, Punjab.

- (iii) Pending application(s), if any, shall also stands disposed of. No order as to costs.

(SUMEET GOEL)
JUDGE

March 27, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No