

Court No. - 37

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Case :- WRIT - C No. - 14443 of 2021

Petitioner :- Smt Aneeta And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Lal Prabhakar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Kaushal Jayendra Thaker,J.

Hon'ble Subhash Chand,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the State.

By this petition, the petitioners have prayed for following reliefs:-

"(i) issue, a writ, order or direction in the nature of mandamus commanding the respondent no.2 to protect and enforce the fundamental right of the petitioners to life and personal liberty as guaranteed under Article 21 and 22 of the Constitution of India and ensure the safety and protection of the petitioners as well to ensure no further hindrance is caused in their happy marital life, and the petitioners may not be harassed in any way by the local police or by the respondent no.4 or his associates in any manner whatsoever."

Learned counsel for the petitioners submits that respondent no.4 is husband of the petitioner no.1. Petitioner no.1 Smt. Aneeta is not married to petitioner no.2 but she is having relationship with him because of apathetic and torturing behaviour of respondent no.4. As she is living with him, respondent no.4 is trying to endanger their peaceful lives. Hence, they may be protected.

This Court has already disapproved such act in **Writ-C No. 11295 of 2021, Smt. Premwati and another Vs. State of U.P. and others**. We hold that we are not against granting protection to people who want to live together irrespective of the fact as to which community, caste or sex they belong to. If Devendra Kumar, who is legally wedded husband of petitioner no.1 has barged into the house of petitioner no.2, it is in the realm of criminal dispute for which she can move to the criminal machinery available in the country. But none law abiding citizen who is already married under the Hindu Marriage Act can seek protection of this Court for illicit relationship, which is not within the purview of social fabric of this country. The sanctity of marriage pre-supposes divorce. If she has any

difference with her husband, she has first to move for getting separated from her spouse as per law applicable to the community if Hindu Law does not apply to her.

We do not permit the parties to such illegality as tomorrow petitioners may convey that we have sanctified their illicit relations. Live-in-relationship cannot be at the cost of social fabric of this Country. Directing the police to grant protection to them may indirectly give our assent to such illicit relations.

Hence, this petition is dismissed with exemplary cost of Rs.5,000/- to be deposited by the petitioners within two weeks from today.

However, we make it clear that this Bench is not against live-in-relationship but is against illegal relations.

Order Date :- 29.7.2021

Ram Murti