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Constitutional Protection of Live-in Relationships: Delhi High Court Affirms Adult Autonomy in Kartik v. State of NCT of Delhi

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The constitutional validity and societal acceptance of live-in relationships have long been subjects of intense legal and social discourse in India. In a significant pronouncement reinforcing individual autonomy and the State's obligation to protect fundamental rights, the Delhi High Court, in Kartik & Anr. v. State of NCT of Delhi & Ors., Writ Petition (Criminal) No. 665 of 2026, delivered a comprehensive judgment on February 24, 2026, that not only affirms the rights of consenting adults in live-in relationships but also mandates State protection against familial interference. The case, presided over by Hon'ble Mr. Justice Saurabh Banerjee, represents a crucial development in the jurisprudence surrounding personal liberty, adult autonomy, and the State's positive obligations under the Constitution.

The factual matrix of the case involves two petitioners, Kartik and his partner, who have been known to each other and involved in a romantic relationship since the year 2024. Both individuals, born in 2006 and 2007 respectively, are consenting adults who have voluntarily chosen to reside together. Demonstrating serious commitment toward their relationship, the petitioners executed a formal Live-in Relationship Agreement on February 17, 2026, documenting their mutual desire, intent, and the nature of their cohabitation. However, their decision to live together without formal marriage attracted strong opposition from the father of the second petitioner, who assumed the position of Respondent No. 4 in the proceedings. The father, being unhappy with this arrangement, began constantly threatening the petitioners with violence, creating a genuine and reasonable apprehension of grave harm to their life and personal safety. Faced with persistent threats and harassment that jeopardized their fundamental rights, the petitioners approached the Delhi High Court seeking constitutional remedies.

The petitioners filed the present writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the issuance of a writ of mandamus directing the State respondents to provide immediate and adequate protection against the harassment, threats, and potential harm emanating from Respondent No. 4. The petitioners forcefully argued that the fundamental right of the petitioners under Article 21 of the Constitution was under serious jeopardy. They contended that as consenting adults, the petitioners possessed the unfettered right to choose their respective partners and reside with them according to their individual choice and desire, free from interference by any person, including their parents. The existence of the Live-in Relationship Agreement was highlighted as evidence of their responsible and voluntary commitment to each other. On behalf of the State, Mr. Yasir Rauf Ansari, the learned Additional Standing Counsel, accepted the notice issued by the Court, indicating no substantial opposition to the petitioners' plea for protection.

The Court framed the central issues around the constitutional protection available to consenting adults in live-in relationships, the State's obligation to provide protection when fundamental rights are threatened by private parties, the legal recognition and sanctity of live-in relationships in Indian law, and the extent of parental authority over adult children in matters of personal relationships. In its analysis, the Court drew upon established constitutional principles and binding precedents to construct a strong framework protecting adult autonomy in personal relationships.

The judgment rests upon several foundational legal pillars that collectively establish the constitutional protection of live-in relationships. The Court extensively relied upon the Supreme Court's landmark decision in Nandakumar & Anr. v. State of Kerala & Ors., (2018) INSC 383, which authoritatively held that irrespective of parties not having entered into a formal wedlock, as majors they possess the unfettered right to reside with each other as they desire, including in a live-in relationship. This judicial recognition has acquired enhanced significance as the legislature has also acknowledged such relationships through statutory provisions such as the Protection of Women from Domestic Violence Act. The Court further invoked Shafin Jahan v. Asokan K.M., (2018) 16 SCC 368, to emphasize that curtailment of fundamental rights by societal morals and prejudices amounts to deprivation of one's very individualistic identity, thereby reinforcing that social disapproval cannot override constitutional guarantees.

The analytical framework adopted by the Court demonstrates a nuanced understanding of the intersection between personal autonomy and State protection. The judgment explicitly recognizes that live-in relationships, though not legally equivalent to marriage, are "in a way akin to marriage" when entered into by consenting adults. This characterization carries profound legal implications, as it raises such relationships from mere social arrangements to constitutionally protected associations deserving of State safeguard. The Court emphasized that marriage in India is fundamentally recognized as a union between two consenting individuals, irrespective of considerations of caste, creed, colour, religion, or faith, and this principle of consensual partnership extends to live-in relationships as well.

The constitutional architecture protecting these rights comprises primarily Articles 19 and 21 of the Constitution. Article 19 guarantees the freedom of movement and residence, enabling individuals to choose their place of living and with whom

they reside. Article 21, encompassing the right to life and personal liberty, provides the broader protective umbrella ensuring that individuals can lead their lives with dignity and autonomy, free from external coercion or threat. The Court's interpretation affirms that these rights are not merely negative liberties protecting against State action but entail positive obligations upon the State to protect individuals from threats emanating from private parties, including their own family members.

The judgment delivers a clear message regarding the limits of parental authority in the lives of adult children. The Court unequivocally held that no person, including parents, relatives, or friends, possesses any right or authority to cause hindrance or interference of any kind to consenting adults who have willingly and responsibly chosen to enter into a relationship with each other. The execution of the Live-in Relationship Agreement was viewed as a manifestation of the petitioners' mature and responsible decision-making, further strengthening their claim to protection. The Court made it abundantly clear that threats to life and liberty by family members are not permissible under any circumstances and that the State is constitutionally obligated to intervene and provide protection.

In its final disposition, the Court allowed the writ petition and issued comprehensive directions to ensure the petitioners' safety and security. The petitioners were granted the liberty to contact either the Station House Officer of Police Station Daryaganj or the designated Beat Constable, Constable Babudhan, whenever the need for protection arises. These officers have been mandatorily directed to provide all necessary assistance to the petitioners in accordance with law. Recognizing the possibility of the petitioners relocating, the Court directed that if they choose to reside within the jurisdiction of any other police station, they must apprise the SHO of the concerned police station and provide complete address details within three days of such change. The concerned SHO and Beat Constable of the relevant police station are obligated to extend protection to the petitioners as required. The petition along with the pending application was accordingly disposed of in these terms.

This judgment represents a significant milestone in the evolution of personal liberty jurisprudence in India. It reinforces the principle that constitutional rights cannot be subordinated to societal prejudices and that the State bears a positive duty to protect individuals from threats to their fundamental rights, regardless of the source of such threats. By recognizing live-in relationships as constitutionally protected arrangements and mandating State protection for couples facing familial opposition, the Delhi High Court has contributed substantially to the development of a more inclusive and rights-based understanding of personal relationships in Indian law. The decision is a judicial affirmation that adult autonomy, personal choice, and the right to live with dignity are non-negotiable constitutional values that must be safeguarded against both State and private interference.

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