



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 1723 of 2026

25 August, 2026

Sejal Diwakar and Another

--Petitioners

Versus

State Of Uttarakhand and Others

--Respondents

Presence:-

Ms. Iram, learned counsel for the petitioners.

Mr. Prabhat Kandpal, learned A.G.A. and Mr. Nikhil Bhatt, learned Brief Holder for the State.

Hon'ble Alok Mahra, J. (Oral)

The petitioners have approached this Court seeking protection so that they may lead a peaceful life.

2. Heard learned counsel for the petitioners and perused the record.

3. Learned counsel appearing for the petitioners would submit that petitioner nos. 1 and 2 have been in a consensual relationship for the last about five years and have been residing together in a live-in relationship for the last two months. It is further submitted that both the petitioners are major, competent to understand the consequences of their decisions and are entitled to take decisions concerning their personal lives, including the choice of their life



partner. The petitioners have now decided to solemnize their marriage and, thereafter, intend to get their marriage registered in accordance with the applicable provisions of law.

4. It is further submitted that respondent nos. 3 and 4, who are father and mother of petitioner no. 1, are opposed to the relationship between the petitioners and are not agreeable to their proposed marriage. Learned counsel would submit that respondent nos. 3 and 4 have allegedly extended threats to the petitioners, on account whereof the petitioners apprehend interference with their peaceful life and a threat to their life and personal liberty. It is, therefore, submitted that the petitioners have approached this Court seeking appropriate protection from the competent authorities so as to safeguard their life and personal liberty.

5. Both the petitioners are present before the Court and have been duly identified by their learned counsel. Petitioner no. 1, upon being specifically asked by the Court, states that she is a major and is residing with petitioner no. 2 voluntarily and of her own free will, without any force, coercion, threat, undue influence or inducement. She further states that she has voluntarily chosen to reside with petitioner no. 2 and intends to solemnize marriage with petitioner



no. 2. The petitioners further submit that they intend to take appropriate steps for registration of their marriage under the applicable provisions of the Uniform Civil Code, Uttarakhand. It is, however, apprehended that, owing to the alleged threats and opposition from respondent nos. 3 and 4, the petitioners may face danger to their life, liberty and peaceful existence. The petitioners, therefore, seek appropriate directions to the concerned authorities to ensure that their life and personal liberty are duly protected in accordance with law.

6. Having considered the submissions and perused the record, it is undisputed that both petitioners are majors and competent to make choices concerning their personal lives. Petitioner no.1, being a major, is entitled to choose her life partner, and such choice is protected under Article 21 of the Constitution of India. Her statement before this Court that she is residing with petitioner No. 2 voluntarily, without coercion or undue influence, further supports the same.

7. In the aforesaid circumstances, and having regard to the law laid down by the Hon'ble Supreme Court in **Lata Singh v. State of U.P., (2006) 5 SCC 475**, this Court is of the considered opinion that the petitioners are entitled to protection of their life and personal liberty in



accordance with Article 21 of the Constitution of India.

8. Accordingly, without expressing any opinion on the inter se rights of the parties or the validity of the proposed marriage, the Station House Officer, Police Station Bazpur, District Udham Singh Nagar, is directed to examine the representation of the petitioners and assess the threat perception, if any, to their life and liberty. In the event any real and imminent threat is found to exist, the concerned police authorities shall take appropriate measures to ensure adequate protection to the petitioners strictly in accordance with law. The Station House Officer shall further ensure that no person, including the private respondents or any other individual, takes the law into his or her own hands or causes any unlawful interference, intimidation, harassment or coercion to the petitioners on account of their relationship.

9. With the aforesaid observations and directions, the writ petition stands disposed of.

10. Pending applications, if any, shall also stand disposed of.

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(Alok Mahra, J.)
25.08.2026