



#S-4

NEUTRAL CITATION NO: 2022/DHC/003131

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 02.08.2022

W.P.(CRL) 1632/2022

RAHUL SODI

..... Petitioner

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Advocates who appeared in this case:

For the petitioner : Mr. Anish Kumar, Advocate.
For the respondent : Mr. Karanjeet Rai Sharma, Advocate for the State
with S.I. Manoj Kumar, P.S.: Narela Industrial Area.
Mr. Charanjeet Singh, Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

The present writ petition under Article 226 of the Constitution of India, seeks a writ in the nature of *habeas corpus*, directing the respondents to produce his legally-wedded wife, Ms. Navjot, before this Court.

Ms. Navjot, along with her father, Head Constable Charanjeet Singh, have appeared before this Court, in-person. We have interacted with Ms. Navjot, as well as her newly wedded husband, Mr. Rahul Sodi, the petitioner herein, at length, in chambers today, both individually and collectively. We also had a brief interaction with Head Constable Charanjeet Singh, in Court.

It is an admitted fact that Ms. Navjot, who is 21-years old, married Mr. Rahul Sodi, who is 22-years old, of her own free will and desire, on 08.07.2022, at Ghaziabad, Uttar Pradesh.



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It is asseverated on behalf of the newly wedded couple that MIS.

Navjot's family took her away to her parental home with the assurance that she would return to her husband after some days. However, since Ms. Navjot did not return to her matrimonial home, Mr. Rahul Sodi has been constrained to file the instant *habeas corpus* petition.

Our interaction with Ms. Navjot, which lasted for over an hour, leaves no manner of doubt in our mind that she is keen to rejoin her husband, Mr. Rahul Sodi at her matrimonial home, but is apprehensive and anxious, *qua* the reaction that may follow as a consequence of her said decision.

On the part of Head Constable Charanjeet Singh, Ms. Navjot's father, it is evident that the opposition to the marriage is principally on account of two reasons. The first reason asseverated on behalf of Head Constable Charanjeet Singh, is that the marriage between Ms. Navjot and Mr. Rahul Sodi is an inter-caste marriage and cannot consequently be countenanced by her family. The other objection stated on behalf of Head Constable Charanjeet, is that Ms. Navjot has recently graduated and that therefore, the marriage would become an impediment in her further education.

In so far as the first objection articulated on behalf of Head Constable Charanjeet is concerned, it would be appropriate to extract the relevant portion of the decision of the Hon'ble Supreme Court in **Lata Singh v. State of U.P** reported as **(2006) 5 SCC 475**, *in extenso*, hereinunder:-

"17. The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing



news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law.”

Even otherwise, the Hon’ble Supreme Court, in a catena of decisions, has settled the law that where two young adults decide to live together, as ‘husband and wife’, nobody including their parents, have the authority to interfere with their ‘living together’ (**Ref: Gian Devi v. The Superintendent, Nari Niketan, (1976) 3 SCC 234**).

In relation to the second objection raised on behalf of Head Constable Charanjeet; Mr. Rahul Sodi, the newly wedded husband of Navjot, undertakes before this Court, that he shall ensure and facilitate in every manner possible, the further education of the latter. The undertaking furnished by Mr. Rahul Sodi, the petitioner, is hereby accepted, directing him to comply therewith, without demur.



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In view of the foregoing and having regard to the facts and circumstances antecedent and attendant; as well as, in view of the decisions of the Hon'ble Supreme Court; we allow the present *habeas corpus* petition. In other words, Ms. Navjot is at liberty to reside with Mr. Rahul Sodi, at a place of their choosing, without let or hindrance of any third party, including her immediate family.

In terms of the dictum of the Hon'ble Supreme Court of India in *Ashok Kumar Todi vs. Kishwar Jahan* reported as *AIR 2011 SC 1254*, it is also incumbent upon us to direct the SHO, P.S.:Narela Industrial Area, within whose territorial jurisdiction the newly-wed couple intend to reside, to ensure that the married life of the newly-weds is not unlawfully disturbed or interfered with by the private respondents or other persons at their behest; and, to that extent, the couple are afforded adequate protection, if the need so arises.

Further, Head Constable Charanjeet is expected to be resilient and refrain from taking any action that may endanger or disrupt the peaceful living together of the newly- weds.

No further directions are called for.

With the above directions, which shall be complied with, by the official as well as private respondents, the writ petition is disposed of.

Copy of the order be given *dasti*, to learned counsel appearing on behalf of the parties.

**SIDDHARTH MRIDUL
(JUDGE)**

**AMIT SHARMA
(JUDGE)**

AUGUST 02, 2022/at

[Click here to check corrigendum, if any](#)