

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION - POLICE
PROTECTION) NO. 1975 of 2024**

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GOTHI RIYA D/O ASHOKBHAI W/O PATEL AKASH SHIVRAMBHA

Versus

STATE OF GUJARAT

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Appearance:

MR DIPEN F CHAUDHARI(6740) for the Applicant(s) No. 1,2

for the Respondent(s) No. 2,3

MS MAITHILI MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 13/02/2024****ORAL ORDER**

1. RULE. Learned APP waives service of notice of rule on behalf of respondent-State.

2. By way of the present application, the applicants have prayed for directing the respondents to provide them police protection as they got married against will and wish of their parents and family members and apprehend about their safety and security.

3. It is the case of the applicants herein that applicant nos. 1 and 2 have known each other for the last few years and developed a friendship that evolved into a love affair. The applicants decided to elope, and on 07.10.2023, they got married. The marriage certificate is attached as Annexure-A. However, due to opposition from the relatives of the applicant No.1, who

threatened them, the applicants live in constant fear for their lives. Subsequently, the applicant No.1 filed a complaint at Annexure-B with the respondent No.3 and thereafter, also filed another representation dated 06.02.2024 with respondent No.2. When no action was taken by the police authority, the applicants decided to approach this Court.

4. Learned advocate for the applicants, has submitted that the applicants are facing threats to their lives and liberty from their parents and relatives. Both the applicants have attained the age of majority and have voluntarily decided to get married to each other. They are residing together but their life is under threat, therefore, in consonance with the principles of law enunciated by the Supreme Court in **Lata Singh v. State of Uttar Pradesh & Anr. [2007(1) GLH 41]**, protection may be provided to the applicants.

5. Learned APP has assured this Court that the prayer of the applicants may be dealt with in accordance with law.

6. This Court has heard learned counsel for the respective parties and taken into consideration the principles of law enunciated by the Supreme Court in **Lata Singh (Supra)**.

7. There is no dispute regarding the fact that both the applicants have attained the age of majority. There is enough material on record to indicate that the applicants are wife and husband. As such, having attained the age of majority, the applicants are within their rights in taking their own decision

regarding their lives.

8. In **Lata Singh (Supra)**, the Hon'ble Supreme Court has held as below:

"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 are not harassed by any one nor subjected to threats or acts of violence, and any one 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." (Para 7)

"We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism." (Para 8)

9. On the facts and in the circumstance of the case, this Court directs the respondent authorities to consider the representation

made by the applicants and also to ensure safety and security of the applicants.

10. With the above observations and directions, present application stands disposed of. Rule is made absolute accordingly. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

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