



\$~86

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2309/2024**

SUMIT PANCHAL & ANR.

.....Petitioners

Through: Mr. R. K. Sharma and Mr. M. K. Gahlaut, Advocates with petitioners in person.

versus

**STATE NCT OF DELHI THROUGH ITS
SHO P S JYOTI NAGAR & ORS.**

.....Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for State/respondent No.1 to 4 with SI Pankaj Kumar, P.S. Jyoti Nagar.
Mr. Sushil Kumar Sharma and Mr. Virendra Kumar, Advocates for respondent No.5 to 10 with respondent No.5 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

01.08.2024

CRL.M.A. 22535/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2309/2024

1. Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners with the following prayers:

"i. Pass a writ/order/direction in the nature of mandamus in favour of the petitioners and against the respondents No.1 to 4 thereby directing the respondents No.1 to 4 jointly and severally to grant the protection to the precious life of the petitioners.



ii. Pass a writ/order/direction in the nature of mandamus in favour of the petitioners and against the respondents No.1 to 4 thereby directing the respondents No.1 to 4 jointly and severally to make ensure that the respondents No.5 to 10 and their associates should not assault upon the petitioners in any manner whatsoever.

iii. Pass a writ/order/direction in the nature of mandamus in favour of the petitioners and against the respondents No.1 to 4 thereby directing the respondents No.1 to 4 jointly and severally to make ensure that the respondents No.5 to 10 and their associates should not caused any kind of hindrance, obstruction, interference in the personal life, liberty and privacy of the petitioners.

iv. Pass a writ/order/direction in the nature of mandamus in favour of the petitioners and against the respondents No.1 to 3 thereby directing the respondents No.1 to 3 jointly to make ensure that the respondents No.5 to 10 and their associates should not visit at the parental house of the petitioner i.e. D-908, Gali No.29, East Gokulpur, Meet Nagar, Delhi-110094.”

2. Issue notice. Learned ASC for the State and learned counsel for respondent No.5 to 10 appear on advance notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between the petitioner No.1 and 2 was solemnized according to Hindu rites and ceremonies on 13.03.2024, at Arya Samaj Mandir (Trust), Gokhale Market, Tis Hazari Courts, Delhi. Respondent No.5 to 10 who are parents and relatives of petitioner No.2, namely, Rakhi assured to formalize the alliance of the petitioners though the marriage was earlier solemnized at Arya Samaj Mandir (Trust), Gokhale Market, Tis Hazari Courts, Delhi by petitioners. However, since respondent No.5 to 10 did not intend to fulfil the promise, petitioner No.2 voluntarily started residing with petitioner No.1 leaving her



parental home.

4. Learned counsel for petitioners submits that since aforesaid marriage is against wishes of respondent No.5 to 10, petitioners who are major apprehend threat to their life and security. Petitioner No.2 submits that she has voluntarily married with petitioner No.1 and the marriage has been solemnized without any threat, pressure or coercion.

5. Mr.S.K.Sharma, learned counsel for respondent No.5 to 10, on instructions of respondent No.5 who appears in person, submits that respondent No.5 to 10 have no objection to the marriage of petitioners, who are major and are no longer interested in arranging any further ceremonies at their end. He further states that respondent No.5 to 10 also assure that they shall not interfere in the matrimonial life of petitioners.

6. Learned ASC for the State submits that phone number of IO/SHO, P.S. Jyoti Nagar has been shared with petitioners and if complaint is received on behalf of petitioners, appropriate action shall be initiated, in accordance with law along with requisite steps for ensuring safety and security of petitioners.

7. In view of the assurance given on behalf of respondent No.5 who is present in person and statement of learned ASC for the State, learned counsel for the petitioners does not press the petition.

8. Taking the statement of learned ASC for the State and respondent No.5 on record, petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 01, 2024/v