IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR

AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

Writ Petition (Criminal) No.1469 of 2025

17 November, 2025

Khushbu Diwakar & Anr. ----Petitioners

versus

State of Uttarakhand & Others ----Respondents

Presence:-
Ms. Unnati Pant, learned counsel for the petitioners
Mr. B.N. Molakhi, learned Deputy A.G. for the State

JUDGMENT: (per Sri Subhash Upadhyay, J.)

1. Petitioner has approached this Court for the following relief:-

> *"(i) Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondent nos.1, 2 and 3 to provide security and adequate protection to the petitioners and they may be directed to ensure that the respondent no.4 to 6 may not harass, threat and commit violation to the petitioners in any manner."*

2. It is submitted that both the petitioners belong to the same faith; that the petitioners are majors and have been residing in a live-in relationship for a considerable period with the intention to solemnize marriage in the near future. It is further submitted that

petitioner no.1 is aged about 22 years and is employed as a teacher in Apex Institute Rudrapur and petitioner no.2 is aged about 19 years and is employed in Bajaj Finance, and as soon as petitioner no.2 attains the legally permissible age of marriage, the petitioners shall solemnize their marriage; that at present, the petitioners will register themselves on the UCC portal for the purpose of residing together in a live-in relationship.

3. It is further submitted that since the family members and others relatives of the first petitioner are against their relationship, they are giving out threats to kill both the petitioners. Petitioners submit that they are facing stiff resistance, and they seriously apprehend threat to their life and limb from the family and other relatives of the first petitioner, and hence they are before this Court praying for protection.

4. Learned Deputy Advocate General submits that the petitioners are major; they belong to same religions and are presently in live-in relationship, hence, the State is under obligation to ensure that no harm is caused to the petitioners by private respondents.

5. In that view of the matter, and in view of the ruling of the Hon'ble Supreme Court in the case of **Lata Singh v. State of U.P. and another, (2006) 5 SCC 475**, the petitioners have made out a case for grant of protection.

6. The Station House Officer, Police Station Rudrapur, District Udham Singh Nagar is directed to assess the threat, if any, to the life and limb of the petitioners, and provide necessary protection, if it is found that there is a threat to the life and limb of the petitioners. The SHO is further directed to summon the private respondents, and such other persons, who are inimically placed towards the marriage of the petitioners, and counsel them, in accordance with law.

7. The Writ Petition stands ordered accordingly.

8. Pending application, if any, also stands disposed of.

(G. NARENDAR, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.11.2025

Rajni