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

+ **W.P.(CRL) 1520/2025**

SHIKHA GUPTA & ANR.

.....Petitioners

Through: Mr. Yogesh Sharma, Ms.
Pratima Ravi and Mr.
Yogeshwar Singh,
Advocates.

versus

STATE (GOVT NCT OF DELHI)

(THROUGH COMMISSIONER OF POLICE DELHI)

& ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC for
the State with Mr. Kshitiz
Garg, Mr. Ashvini Kumar
and Mr. Nitish Dhawan,
Advocates.
SI Satish Kumar, PS
Karawal Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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07.05.2025

CRL.M.A. 14154/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present writ petition is filed by the petitioners seeking protection from the respondents to enable them to reside peacefully without interference, with immediate effect.
4. The limited relief sought in the present petition is for a direction to the police authorities to provide protection to the petitioners, who apprehend threats and potential harm at the hands of the family members of Petitioner no.1. The basis of such apprehension is stated to be the disapproval of their



relationship, primarily owing to the fact that the parties belong to different castes and have chosen to reside together without the formal recognition or sanction of a valid marriage, thereby inviting familial and societal opposition.

5. The petitioners claim to be 19 years of age and assert that they are adults, entitled to live as they choose. It is alleged that the family members of Petitioner No.1 disapprove of the relationship between the petitioners and have been issuing threats to Petitioner No.1. It is, however, not in dispute that Petitioner No.2 is below the legal age for marriage.

6. On being asked, the learned counsel for the petitioners submits that the petitioners wish to reside in the same colony where the family members of Petitioner No.2 live, and there is a genuine apprehension of harm to their life and liberty. Accordingly, they seek police protection to secure their right to reside together in safety.

7. It is trite that every individual is entitled to protection of life and personal liberty under Article 21 of the Constitution of India. Undisputedly, the police authorities are duty bound to act upon any complaint received regarding threat to life and liberty, and to take appropriate steps, particularly in cases involving cognizable offences. For this purpose, the intervention of this Court under Article 226 of the Constitution of India is ordinarily not required.

8. The extraordinary jurisdiction under Article 226 of the Constitution of India is intended to provide urgent relief in cases where a person's fundamental or legal rights are under immediate threat or violation. However, this Court has observed an increasing trend where such jurisdiction is invoked mechanically by young individuals—often barely having attained the age of



majority—under the pretext of exercising their ‘right to life and liberty’ to elope or cohabit, even when such relationships may lack legal sanctity or are rooted in immature or impulsive decision-making.

9. While the petitioners assert that they are adults and free to make decisions regarding their personal lives, for such purpose they are free to leave the company of their parents and live where they wish to. However, writ of mandamus granting protection from the police to facilitate their cohabitation when concededly Petitioner No.2 is not legally permitted to marry, cannot be passed.

10. It is pointed out that one FIR is already pending investigation, lodged by the father of Petitioner No.1, alleging that she was abducted by the family members of Petitioner No.2.

11. The learned counsel for the petitioner submits that the said allegations are false and baseless.

12. This Court does not consider it apposite to adjudicate any dispute in relation to the said FIR which would be subject matter of proceedings that may be initiated by the parties at appropriate stage.

13. It is not unusual that when young children, especially one residing with or dependent on their parents, abruptly leaves the familial home, it causes understandable anxiety and emotional distress to the family. In such circumstances, expressions of concern or attempts to communicate by parents should not, in the absence of any overt act of coercion or threat, be construed as unlawful or as interference with personal liberty. The parental instinct to guide and counsel their children, particularly when they are financially, emotionally, or socially dependent, is both natural and legitimate. The law does not prohibit such



communication, nor can it be considered per se a ground for judicial protection.

14. Undoubtedly, children who have attained the age of majority have the constitutional right to live independently and seek protection if they face any real or imminent threat to their life or liberty from any quarter, including their family. In such eventuality, it is open to them to approach the appropriate police authority and lodge a complaint. If the allegations reveal commission of a cognizable offence, the police are duty-bound to act in accordance with law and take necessary protective measures.

15. However, a blanket prayer seeking protection from any form of contact or communication with family members, absent any specific incident of threat or intimidation, cannot be sustained within the ambit of Article 226 of the Constitution of India. Courts cannot supervise or monitor the day-to-day affairs of individuals or intrude into domestic relationships. The jurisdiction under Article 226 of the Constitution of India is not designed to operate as a mechanism of personal insulation from ordinary familial interactions.

16. As noted above, liberty, as guaranteed under Article 21 of the Constitution of India, undoubtedly includes the freedom to choose one's residence and associations. Yet such liberty, in its proper constitutional context, is not equivalent to immunity from guidance, disagreement, or emotional appeals from family members especially when the petitioners continue to reside in close proximity and rely on the same familial or community environment. In such cases, any attempt to convert the writ jurisdiction into a shield against normal social frictions would amount to a misuse of the constitutional remedy.



17. At this stage, there is no material on record to indicate that the private respondents have engaged in any conduct warranting judicial interdiction. Mere apprehensions, unaccompanied by credible incidents of physical harm, unlawful restraint, or harassment, cannot justify the relief sought.

18. As noted above, no directions of such nature as prayed in the present petition can be passed. However, the petitioners are at liberty to approach the concerned Police Station/Beat Officer as and when they apprehend any threat to their life and liberty or as and when they apprehend commission of any cognizable offence by the family members of Petitioner No.1. The police is duty bound to take an appropriate action on receipt of such complaint.

19. The learned ASC for the State fairly states that he will sensitize the concerned SHO in regard to the dispute as sought to be raised in the present petition and he also assures that appropriate action will be taken expeditiously as and when any complaint is received.

20. In view of the foregoing discussion, no further orders are required to be passed at this stage. The writ petition stands disposed of with the above observations.

AMIT MAHAJAN, J

MAY 7, 2025

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