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

+ W.P.(CRL) 1940/2025

SUMAN GUPTA & ANR.

.....Petitioners

Through: Mr. Syed Bashar Afzal, Mr. Sazid
S.R. Shah, Advs. alongwith Petitioner
No.1 & 2 in person.

versus

STATE (GOVT. NCT OF DELHI) & ORS.Respondents

Through: Mr. Sanjay Lao, Standing counsel
with SI Pawan, PS-V.K. South.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

01.07.2025

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1. This is a writ petition under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023 for issuance of a writ in the nature of *Mandamus*/directions to the respondent no.1 to provide necessary protection to the petitioners.

2. Petitioners belong to different religion. The learned counsel appearing for the petitioners submits that both the petitioners are major and want to solemnize their marriage under the provisions of Special Marriage Act, 1954 with mutual consent. They have submitted an application for registration of such marriage which is pending completion of formalities before the SDM on 11.08.2025.

3. He further states that parties have a fear of backlash and threats from the family members of petitioner no.1 and in this regard, petitioner no.1 has



already filed a written complaint before the SHO, Police Station Vasant Kunj North and the DCP South West Delhi on 26.06.2025. However, no effective police protection has been provided to the petitioners and they continue to live under constant threat, compelling them to seek urgent intervention from this Court.

4. The learned Standing Counsel appearing for the State submits that the numbers of beat constables of the area where the parties are residing have been shared with the petitioners and, in case of any need, they may contact them for any kind of assistance.

5. The right of petitioners to marry the person of their own choice is indelible and protected under the Constitution of India, which cannot be diluted in any manner whatsoever. Equally, the State is under a constitutional obligation to provide protection to its citizens.

6. Since both the petitioners are stated to be major, no one, not even the family members can object to the decision of the petitioners to marry each-other.

7. This court being a constitutional court is also expected to further the constitutional rights of the petitioners.

8. In that view of the matter, the Court directs the State to provide protection to both the petitioners and ensure that no harm is caused to either of them, particularly from the parents and family members of the petitioner no.1. The SHO shall duly counsel the beat officers of the area where the petitioners are residing to ensure the safety and security of the petitioners. In case, the petitioners shift to a place other than the one shown in the memo of parties, the SHO shall pass the information to the SHO of the concerned police station having territorial jurisdiction over the residential address of



the petitioners, who shall comply with the present order in letter and spirit.

9. Let the beat officer call upon the petitioners before 6 PM every day at least till 11.08.2025 to ensure that both petitioners are unharmed.

10. Petition accordingly stands disposed-of in terms of directions stated above.

RAVINDER DUDEJA, J

JULY 1, 2025

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