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

+ **W.P.(CRL) 3169/2023**

FOZIYA AND ANR.

.....Petitioners

Through: None.

versus

THE STATE OF NCT DELHI AND ORS.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for State
with Mr. Aditya Khatri, Advocate.
Mr. Akshay Dagar, SI, PS-Shaheen
Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.09.2025

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1. The present petition, filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973), seeks directions for Respondent No. 1 to provide protection to the Petitioners and to restrain Respondents No. 2 to 5, as well as other members of Petitioner No. 1's family, from visiting the residence of the Petitioners.

2. The Petitioners are adults who were in a consensual relationship and intended to marry. However, the family members of Petitioner No. 1 opposed their union. As a result of maltreatment by her parents and family, Petitioner No. 1 left her parental home on 4th October 2023. Thereafter, the Petitioners solemnized their marriage on 5th October 2023 at Khirki Extension, New Delhi, according to Muslim rites and ceremonies, of their



own free will and without any pressure or coercion.

3. The Petitioners alleged that they had been receiving ongoing threats from their family members (Respondent Nos. 2 to 5), who opposed their marriage, and accordingly sought the following directions:

“(i) issue an appropriate writ in the nature of mandamus or any other writ/writs, order/orders, direction/directions, whereby directing the respondent No. 1 to provide necessary protection to the petitioners and direct the respondents No.2 to 5 not to interfere in the married life of the petitioners by visiting their place of residence;”

4. On 31st October, 2023, the Court passed the following order:

“1. This is a writ petition under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., 1973 seeking issuance of writ in the nature of Mandamus or any other writ, direction or order directing respondent no.1 to provide necessary protection to the petitioners and also to direct respondent no.2 to 5 and other family members of petitioner no.1 not to visit the residence of the petitioners or disturb them in any manner whatsoever.

2. Ms. Rana Parveen Siddiqui, learned counsel appearing for the petitioners submits that the petitioners before this Court are major as on date, in that, the petitioner no.1 and the petitioner No.2 are born on 01.01.1998 and 25.05.1988 respectively and belong to the Muslim community. Learned counsel submits that the petitioners were in love relationship and sought to marry each other but the relationship was not to the liking of the parents and the family members of petitioner no.1. In fact, she submits that the parents of petitioner no.1 were forcing petitioner no.1 to get married to some other person against her wishes.

3. She further submits that on account of such maltreatment by her parents, that the petitioner no.1 was constrained to leave her parental house on 04.10.2023 and solemnized her marriage with petitioner no.2 on 05.10.2023 according to the Muslim rites and ceremonies at Khirki Extension, New Delhi of their free own will without pressure, coercion or threat of any kind whatsoever.

4. The said submissions of the petitioners are reaffirmed by the documents placed on record.

5. Ms. Siddiqui submits that the intimation of the above said marriage was duly given to the SHO of Police Station Shaheen Bagh, Delhi as also to the DCP South East by the complaint dated 04.10.2023 by the petitioner no.1. Though they sought protection, however, no such response was given by the respondent no.1/State.



6. *Issue notice.*
7. *Notice accepted by Mr. Anand V Khatri, learned ASC for State.*
8. *This Court has heard the arguments of Ms. Siddiqui, learned counsel for the petitioners, alongwith the petitioners, who are present in person.*
9. *Times without number, this Court has passed judgments directing the respondent-State to provide protection to the citizens of Delhi particularly in situation as vulnerable as in the present case. This Court has already previously held in the case of Smt. Deepali & Anr. vs. State of NCT of Delhi in W.P.(CRL) 3016/2023 decided on 16.10.2023, as also in the case of Hina & Another vs. State and Another reported in 2022 SCC OnLine Del 2194 that the State is under the constitutional obligation to provide protection to its citizens, specially where the vulnerability of the situation arises out of marriage between two adults of their own free will.*
10. *The relevant paragraphs of Hina & Another (supra) are extracted hereunder:-*

“11. After hearing the counsels from both sides, I am of the considered view that the State is under a Constitutional obligation to protect its citizens especially in cases where the marriage is solmenized between two consenting adults irrespective of the caste or community. There is no dispute that in the present case the petitioners no. 1 and 2 are major and the marriage certificate placed on record prima-facie also lends credence to their submission. The Constitutional Courts under our framework are empowered to pass orders to protect the citizens specially in the cases of the nature to which the present dispute pertains. Once two adults consent to live together as husband and wife there can be perceivably no interference in their lives from third parties, including their family. Our Constitution ensures it too. It is not only the duty of the State but also its machinery and the agencies which ensure law and order to ensure that no harm comes to the citizens of this country.

12. In view of the above, it is directed the police officials shall respond immediately in case of any call received from either petitioners regarding any incident of emergency or threat. The beat officer(s) of the concerned area shall visit the residence once in two days only for the next three weeks to ensure the safety of the petitioners.

13. With these observations the petition stands disposed of along with pending application(s).”
11. *The relevant paragraphs of Smt. Deepali & Anr (supra) are extracted hereunder:-*

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



11. *There is no doubt about the factum of marriage between the petitioners and the fact that they are major. No one, not even the family members can object to such relation or to the matrimonial ties between the petitioners.*

12. *This Court being a Constitutional Court is also expected to further the constitutional rights of the petitioners."*

12. *This Court has also held that the constitutional protection in terms of freedom of right to life as also the freedom of expression, is also inclusive of the expression of marrying a person of their own choice. The family members or any other person of the society cannot be found to interfere with the rights exercised by such individuals, particularly when citizens like the petitioners are exercising their right of choice of a spouse with whom they seek to spend their lives.*

13. *In view of the aforesaid submissions as also the judgments previously passed by this Court, this Court is of the considered opinion that the petitioners deserves protection by the State.*

14. *Accordingly, the SHO of the Police Station Shaheen Bagh is directed to provide his contact number, the contact number of the IO as also the contact number of the Beat Officer, under whose jurisdiction, the petitioners reside.*

15. *The details of the address of the petitioners be furnished by the petitioners to the respondent no.1, particularly to the SHO. The SHO is directed to ensure that the said details is not made public.*

16. *The SHO of Police Station Shaheen Bagh is directed to instruct the Beat Officer of the concerned area to visit the residence of the petitioners for the next two months, twice a day, once at 9:00 AM in the morning and once at 7:00 PM in the evening. A proper record of such visits by the Beat Officer shall be maintained and placed before this Court on the next date of hearing.*

17. *The SHO shall also ensure that there is an immediate response in case any of either of the petitioners seek any help or assistance of the police authority.*

18. *SHO shall also give intimation of the present order to the concerned SHO of Police Station Jamia Nagar, where the business premises of petitioner no.2 is stated to be located.*

19. *The respondent nos. 2 to 5 are stated to be relatives of petitioner no.1. Upon petitioners taking steps within a week, issue notices to respondents no.2 to 5 by all permissible modes.*

20. *List on 11.12.2023.*

21. *Dasti."*

5. In compliance with the aforementioned directions, the concerned Beat Officer has been briefed to maintain regular contact with the Petitioners and



visit them frequently to ensure their safety.

6. The instant petition was filed in the year 2023. According to the Investigating Officer, the Petitioners have since changed their address and are not reachable on the contact numbers provided to the SHO.

7. Be that as it may, the present petition is disposed of confirming the interim order dated 31st October, 2023.

SANJEEV NARULA, J

SEPTEMBER 3, 2025

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