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

+ **W.P.(CRL) 4026/2025 & CRL.M.A. 36150/2025 (Exemption)**

KAJAL AND ANR

....Petitioners

Through: Mr. Om Saran Gupta, Mr. Ashish Gupta, Advocates with Petitioners in person.

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for the State with Ms. Priyam Aggarwal, Advocate along with SI Sumit, PS Subzi Mandi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.12.2025

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1. The present writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeks the following reliefs:

- (i) *issue Writ of Mandamus directing the jurisdictional Judicial Magistrate, Central district Delhi, to record the voluntary statement of Petitioner No.1 regarding her marriage, consent, and safety under the relevant provision of law, including section 164 CrPC /BNSS*
- (ii) *direct Respondent No.2 to 4 to provide adequate police protection to the Petitioners,*
- (iii) *Direct Respondents No. 5 to 7,(State of Bihar and the concerned police station), not to take coercive action against Petitioner No. 2 and his family members in the native place and place the recorded statements on file of the FIR.*
- (iv) *Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice and equity.*



2. The Petitioners state that they have solemnised their marriage on 19 November 2025 in Delhi of their own free will. Petitioner No. 1 (wife) submits that her parents opposed the relationship and, unable to trace her, caused registration of FIR No. 91/2025 at PS Kiul, District Lakhisarai, Bihar, alleging kidnapping and related offences.

3. Identity and age documents placed on record indicate that both Petitioners are majors. The marriage certificate issued by Arya Samaj has also been filed. The Court has interacted with Petitioner No. 1 at length. She has confirmed that she was in a consensual relationship with Petitioner No. 2, has married him of her own free will and is presently residing with him at a rented accommodation.

4. The right of consenting adults to choose their partner and to live together without interference is protected under Article 21 of the Constitution. Family opposition cannot curtail such autonomy. Courts are required to ensure that no harm comes to couples who marry or intend to marry without parental approval.

5. The SHO of the concerned Police Station in Delhi shall take appropriate preventive measures to ensure the Petitioners' safety and protection by sensitizing the beat constable. The contact numbers of the Police Station and the beat constable shall be provided to the Petitioners to enable them to reach out in the event of any threat or apprehension. The State shall also verify the age of the Petitioners and the marriage and take further steps, if so warranted, in accordance with law.

6. Insofar as prayer (iii), which seeks to restrain the Bihar police from taking coercive action, the Court is not inclined to grant such relief in these proceedings, particularly as the FIR is under investigation in another State



and notice has not been served on them. The Petitioners remain at liberty to seek appropriate relief before the competent court in Bihar in case of their grievance with respect to Respondents No. 5 to 7, the parents of Petitioner No. 1 or any other person.

7. The above directions are preventive in nature, and since the parents of Petitioner No. 1/complainants in FIR No. 91/2025 are not parties to the present petition, no opinion is expressed on the allegations in the FIR or on any personal disputes between the parties. All rights and contentions are kept open. With the foregoing directions, the petition stands disposed of.

SANJEEV NARULA, J

DECEMBER 4, 2025