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

+ W.P.(CRL) 703/2026, CRL.M.A. 6610/2026

DEEPU AND ANR

.....Petitioners

Through: Mohammed Yusuf, Advocate

versus

THE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Anand V. Khatri, ASC with SI
Manish, PS-Bhajanpura

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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27.02.2026

CRL.M.A. 6610/2026 (*for exemption*)

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

W.P.(CRL) 703/2026

3. By virtue of the present petition under *Article 226* of the Constitution of India read with *Sections 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioners seek issuance of writ in the nature of *mandamus* directing respondent no.1 to provide protection to their lives and liberty against respondent no.3, i.e., father of the petitioner no.1.
4. Issue Notice. Learned ASC for State accepts Notice.
5. At the outset, learned ASC for the State submits that address given by the petitioners herein falls within the jurisdiction of PS.: Bhajanpura, Delhi.
6. Learned counsel for the petitioners submits that both, petitioner



no.1 wife and petitioner no.2 husband, are adults and have known each other since the year 2019 and thereafter the petitioners willingly, without any coercion or duress, got married *vide* Certificate of Marriage/ Nikhanama dated 13.11.2024. Learned counsel for the petitioners further submits that as the respondent no.3, father of petitioner no.1 was not agreeable *qua* the marriage of the petitioners, he, on 22.02.2026, had threatened to kill the petitioners. In fact, respondent no.3 alongwith some other people, had caught and illegally confined the petitioners in a room, however, they somehow managed to escape, based on the said incident, the Complaint dated 23.02.2026 was filed. Lastly, it was submitted that as respondent no.3 is still threatening to kill the petitioners, there is a live threat which is looming over the petitioners, which makes the requirement of the police protection even more dire at this stage.

7. As the right to marry is an incident of human liberty and is a matter of one's choice, which is recognized in the Universal Declaration of Human Rights but is also an integral facet of *Article 21* of the Constitution of India which guarantees the right to life and gives protection of life and personal liberty to all persons like the petitioners herein. It is, thus, the inherent right of every individual/ citizen like the petitioners herein, to exercise their personal choices, especially in matters relating to marriage. Therefore, the petitioners herein are well and truly entitled for protection under *Article 21* of the Constitution of India.

8. In fact, the Hon'ble Supreme Court has highlighted the right of every individual/ citizen to marry a person of his or her choice in ***Shafin Jahan vs. Asokan K.M.*** [(2018) 16 SCC 368], wherein the following observations have been made:-



“86. The right to marry a person of one's choice is integral to Article 21 of the Constitution. The Constitution guarantees the right to life. This right cannot be taken away except through a law which is substantively and procedurally fair, just and reasonable. Intrinsic to the liberty which the Constitution guarantees as a fundamental right is the ability of each individual to take decisions on matters central to the pursuit of happiness. Matters of belief and faith, including whether to believe are at the core of constitutional liberty. The Constitution exists for believers as well as for agnostics. The Constitution protects the ability of each individual to pursue a way of life or faith to which she or he seeks to adhere. Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. The law may regulate (subject to constitutional compliance) the conditions of a valid marriage, as it may regulate the situations in which a marital tie can be ended or annulled. These remedies are available to parties to a marriage for it is they who decide best on whether they should accept each other into a marital tie or continue in that relationship. Society has no role to play in determining our choice of partners.”

9. Similarly, the Hon'ble Supreme Court in ***Lata Singh vs. State of U.P. & Another*** [(2006) 5 SCC 475] has further stated as under:-

“17.disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major, he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum, they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such



inter-caste or inter- religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law”

10. Since the petitioners herein are both major and are well within their rights to marry each other, and who being consenting adults, have willingly chosen to hold their hands and walk through their entire journey of life by entering into the sacred thread of marriage, no one, much less the Society, the State machinery or even their parents/ relatives/ friends, based on caste/ creed/ colour/ religion, can cause any sort of interference *qua* the decision of the petitioners to marry and live together in any manner whatsoever from now on. Therefore, sanctity has to be given to the decision of the petitioners, who are consenting adults and who have chosen to enter into marriage.

11. No person much less like the respondent no.3 i.e., father of the petitioner no.1, can be allowed to threaten the life and liberty of the petitioners as they do not require any social approval for their personal decisions and choices.

12. Accordingly, the petition is allowed and the petitioners are free to call or get in touch with either the SHO, Inspector Narender Kumar (+8750870730) or the Beat Constable, Mr. Pradeep (+8954349410), PS.: Bhajanpura, Delhi, if, as and when the need so arises. Needless to say, the



SHO and the Beat Constable concerned shall also take all possible steps to provide adequate assistance and protection, as and when needed to the petitioners, in accordance with law.

13. It is made clear that if the petitioners choose to reside within the jurisdiction of any other police station, they will apprise about the same and give the complete details including the address to the SHO of the concerned P.S. within a period of *three days* from shifting and the SHO concerned to also take all possible steps to provide adequate assistance and protection, as and when needed to the petitioners, in accordance with law.

14. Accordingly, the present petition stands disposed of in the aforesaid terms.

SAURABH BANERJEE, J

FEBRUARY 27, 2026/NA