2026:AHC:207972

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40219 of 2026

Shalini Chauhan And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Kumar, Prakash Raj Shukla
Counsel for Respondent(s)	:	C.S.C.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State-respondents and perused the material on record.

2. By means of the present writ petition, the petitioners have prayed for a writ in the nature of mandamus directing the respondents not to interfere in their peaceful life and also for a direction to provide protection.

3. It is stated by the learned counsel for the petitioners that both the petitioners are major. They are unmarried and are staying in a live-in relationship. Learned counsel further submits that the petitioner No. 1 was married earlier with other person and she has filed a suit before the concerned Family Court, which has been allowed. Thus, she has obtained divorce decree from her previous husband. Further, it is stated that private respondent and other family members have got annoyed and there is serious danger to their lives as they are being threatened and harassed. Hence, the petitioners have filed this writ petition under Article 226 of the Constitution of India for issuance of a direction upon the Police Authorities to protect their life from the private respondents.

4. The issue involved in the present petition has already been dealt with in **Writ-C No. 35171 of 2025 (Akanksha and Another vs. State of U.P. and Three Others), decided** on 17.12.2025. The facts of the present case is similar to the facts of **Akanksha (supra)**. Therefore the present writ petition is being disposed of in the following terms.

5. Once an individual, who is a major, has chosen his/her partner, it is not for any other person, be it a family member, to object and cause a hindrance to their peaceful existence. It is the bounden duty of the State, as per the Constitutional obligations casted upon it, to protect the life and liberty of every citizen. Right to human life is to be treated on much higher pedestal, regardless of a citizen being minor or major, married or unmarried. Mere fact that the petitioners have not solemnized marriage, would not deprive them of their fundamental right as envisaged in the

Constitution of India being citizens of India. This Court has no hesitation to hold that the Constitutional's fundamental right under Article 21 of the Constitution of India stands on a much higher pedestal. Being sacrosanct, under the Constitutional scheme it must be protected, regardless of the solemnization of marriage or even the absence of any marriage between the parties.

6. The petitioners herein, who are major, have taken a decision to reside together without the sanctity of the marriage and it is not for the Courts to judge them on their decision. If the petitioners herein have not committed any offence, this Court sees no reason as to why their prayer for grant of protection cannot be acceded to.

7. Having regard to the facts and circumstances of the case, this Court is of the view that the petitioners are at liberty to live together peacefully and no person shall be permitted to interfere in their peaceful living. As right to life is a fundamental life ensured under Article 21 of the Constitution wherein it is provided that no person shall be deprived of his right to life and personal liberty except according to procedure established by law.

8. In case, any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the Commissioner of Police/SSP/SP concerned with certified copy of this order and the Police Officer after being satisfied that the petitioners are major and willingly living together, will provide immediate protection to the petitioners. If the petitioners are educated and they produce their educational certificates and other certificates admissible under law, from which it is evident that they have attained the majority and they are living with their free will then no Police Officer shall take any coercive action against them unless an F.I.R. is registered against them in respect of any offence whatsoever. If they do not have any documentary proof regarding age and they come from rural background and or illiterate/semi-literate, the Police Officer can subject such boy or girl to ossification test to verify their correct age and he can also follow the other procedure permissible under the law.

9. With the aforesaid observations/directions, the instant petition is disposed off.

(Dr. Gautam Chowdhary,J.)

October 5, 2026
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad