2026:AHC:207980

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40232 of 2026

Nagma Saife And Another

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vikash Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State.

2. By means of the present petition, the petitioners are seeking for issuance of a writ of mandamus directing the respondents not to interfere in the peaceful married life of the petitioners as husband and wife and further direction has also been sought for the authorities concerned to provide protection to the petitioners.

3. Learned counsel for the petitioners has submitted that the petitioners have solemnized marriage out of their own free will and consent without any coercion, since they are major and are living together as married couple. Learned counsel further submits that earlier the petitioner No. 2 was married another woman. He has filed suit for divorce in the concerned Family Court, who vide its judgment and order dated 30.08.2025 allowed the said suit and decreed the same in favour of petitioner No. 2. 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. In support of their age, both the petitioners have brought on record their High School marksheets and from perusal of the same, it is evident that both the petitioners are major. The averments made in the petition are supported by the joint affidavits of the petitioners. It is further stated that the petitioners have already applied for registration of their marriage.

4. The petitioners have averred in the writ petition that they are living as wife and husband. It is stated that they have apprehension that private respondent can eliminate them for the honour of her family. In case, this

Court does not grant them protection, their lives may be endangered.

5. In view of the order proposed to be passed, there is no need to issue notice to private respondent. With the consent of learned counsel appearing for the parties, this writ petition is being disposed of finally at this stage in terms of the Rules of the Court.

6. The Supreme Court in a long line of decisions has settled the law that where a boy and a girl are major and they are living with their free will, then, nobody including their parents, has authority to interfere with their living together. Reference may be made to the judgements of the Supreme Court in the cases of **Gian Devi v. The Superintendent, Nari Niketan, Delhi and others, (1976) 3 SCC 234; Lata Singh v. State of U.P. and another, (2006) 5 SCC 475;** and, **Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396,** which have consistently been followed by the Supreme Court and this Court, as well as of this Court in **Deepika and another v. State of U.P. and others, 2013 (9) ADJ 534**. The Supreme Court in **Gian Devi (supra)** has held as under:

"7. ... Whatever may be the date of birth of the petitioner, the fact remains that she is at present more than 18 years of age. As the petitioner is sui juris no fetters can be placed upon her choice of the person with whom she is to stay, nor can any restriction be imposed regarding the place where she should stay. The court or the relatives of the petitioner can also not substitute their opinion or preference for that of the petitioner in such a matter."

7. Having regard to the facts and circumstances of the case, this Court is of the opinion that the petitioners are at liberty to live together and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the concerned Commissioner of Police, i.e., respondent no. 2 along with a certified copy of this order who shall provide immediate protection to the petitioners.

8. A liberty is granted to the private respondent that if the documents brought on the record are fabricated or forged, it will be open to him/her to file a recall application for recall of this order.

9. As registration of marriage is compulsory vide decision of the Supreme Court reported in **(2006) 2 SCC 578 and (2008) 1 SCC 180 Seema (Smt.)**

Vs. Ashwani Kumar, the petitioners undertake to get their marriage registered within a period of two months.

10. If the petitioners could not get their marriage registered within the stipulated period herein above, the protection granted under this order shall stand automatically vacated.

11. It is made clear that this Court has not adjudicated upon the alleged marriage of the petitioners and this order in no way expresses opinion about the validity of their marriage.

12. With the aforesaid observations, the writ petition is accordingly **disposed of.** No order as to costs.

(Dr. Gautam Chowdhary,J.)

October 5, 2026
Mustaqeem.

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