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

+ **W.P.(CRL) 366/2026, CRL.M.A. 3527/2026**

LAXMI DEVI & ANR.

.....Petitioners

Through: Mr. Mukesh Kumar, Mr. Vinod Kumar Verma and Mr. Sandeep Kumar, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC for State with Mr. Ashvini Kumar, Mr. Kshitiz Garg and Ms. Chavi Lazarus, Advocates with SI Pravin Singh, PS: Kanjhawala

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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03.02.2026

CRL.M.A. 3527/2026 (*for exemption*)

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

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3. The present petition under *Article 226* of the Constitution of India read *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, Act 2023 (*BNSS*) has been filed by the petitioners seeking issuance of a writ in the nature of *mandamus* directing respondent nos.1 to 6 to provide protection to the petitioners against life threats given by respondent no.7, being the father of the petitioner no.1.
4. Out of the various relief(s) sought by the petitioners, the learned



counsel for the petitioners, at the outset, submits that he does not wish to press the prayer (b) of the present petition, the same is reproduced as under:-

“(b) Issue an appropriate writ, order or direction, more particularly a writ of mandamus, directing the Respondent Nos. 3 to 6 not to take any coercive action on the Complaint or FIR bearing no.475/2025, U/s. 87 of BNS Act. Filed by the Respondent No.7 against the petitioner No.1 and the Petitioner No.2.”

5. Learned counsel for the petitioners submits that the petitioner nos. 1 and 2 are *admittedly* consenting adults who got married to each other on 30.07.2025, strictly in accordance with the Hindu Rites and Ceremonies at the premises of Arya Samaj Marriage Vedic Trust, 9A, CSC-5, DDA Market, near Rohini Court, Sector-14, Delhi-110 085 and thereafter the said marriage was registered on 06.10.2025 before the Sub-Divisional Magistrate, Khanjawala, Delhi. He further submits that the respondent no. 7, i.e., father of the petitioner no.1 is unhappy with the marriage of the petitioners as also has been threatening the petitioners and as the marriage was solemnised against his wishes, as a pretext, the petitioner no.1 filed an FIR No.475/2025 under *Section 87* of the Bharatiya Nyaya Sanhita, 2023 registered at PS.: Bhira, District: Kheri Lakhimpur, Uttar Pradesh.

6. In light of the settled law, the right to marry is an incident of human liberty and is a matter of one's choice, which is not only underscored 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 whereby it is the inherent right of every



individual to exercise personal choices, especially in matters relating to marriage. The petitioners herein are well and truly entitled for protection under *Article 21* of The Constitution of India.

7. In fact, the Hon'ble Supreme Court of India has highlighted the right of every individual 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.”

8. 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”

9. 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 can cause interference to the decision of the petitioners in any manner whatsoever from now on.

10. No person much less like the respondent no.7 i.e. father of the petitioner no.1 herein 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. In fact, sanctity has to be given to their decision of



entering into marriage especially since the petitioners are consenting adults who incontrovertibly have the constitutional right to choose their respective life partners.

11. Accordingly, the petition is allowed and the petitioners are free to call or get in touch with either the SHO, PS.: Khanjhawala (+918750870324) or the Beat Constable (SI Pradeep, +919991419909, HC Lalit, +919911647125 and HC Ajendra, +919911408537) PS.: Khanjhawala, Delhi, as and when the need so arises.

12. It is made clear that if the petitioners chose 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.

13. Needless to say, the concerned SHO and/or Beat Constable of the Police Station shall extend the aforesaid benefit to the petitioners.

14. Accordingly, the present petition alongwith the pending application is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

FEBRUARY 3, 2026/So