



2026:AHC:55672

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 3667 of 2026**

Kajal Prajapati And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Dhara Singh, Kuldeep Kumar Gupta  
Counsel for Respondent(s) : C.S.C.

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**Court No. - 81**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. 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 liberty and also for a direction to provide protection.

2. Pursuant to earlier order dated 16.02.2026 a detailed instructions has been produced by Shri Prabhas Kumar Tiwari, learned Additional Chief Standing Counsel, which is taken on record.

3. Based on instructions, learned Additional Chief Standing Counsel submitted that both the petitioners are major and no FIR was registered in respect of their living together.

4. The petitioners have decided to stay together in an interfaith live-in relationship and they claim that they have an apprehension of life threat from the private respondents. The Police of their concerned District have been approached by them, but no heed was paid, therefore, they have approached this Court by way of filing present writ petition.

5. Learned counsel for the petitioners argued that Article 21 of the Constitution of India grants the personal choice of whether to marry or not and be in a live-in relationship. A major person has a right to marry a person of his/her choice or to live with his/her partner. They have a right to live out of the wedlock.

6. It is also submitted that Article 14 of the Constitution of India

guarantees equal protection of law within the territory of India and Article 21 protects the right to life and personal liberty. In this case, the petitioners, claimed to be in an interfaith live-in relationship, have attained the age of majority which is a legal age to enter into any relationship with protection, according to their prayer.

7. In view of the order proposed to be passed, there is no need to issue notice to the private respondents and the petition is being disposed of finally with the consent of the learned counsels appearing for the parties.

8. In the case of **Lata Singh Vs. State of Uttar Pradesh and another (2006) 5 SCC 475**, the Apex Court held that once a person has attained majority, he/she can live with whomsoever they like and their choice cannot be interfered with by anyone. It would be apposite to reproduce the relevant part of the judgment of Supreme Court in the case of Lata Singh (supra ) for convenience and ready reference:

*"17. The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, 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 any one 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. We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of*

*barbarism."*

9. In the case of **Shafin Jahan Vs. Asokan K.M. and Ors. reported in (2018) 16 SCC 368**, the Supreme Court emphasized due importance to the right of choice of an adult person, which the Constitution accords to an adult person. The Hon'ble Apex Court has held that right to marry a person of own choice is integral part of Article 21 of the Constitution of India. There is a complete freedom to choose life partner of any faith, belief, religion, caste etc. Neither State, nor law, nor society can dictate the choice of partner. The right cannot be taken away except through law which is substantially and procedurally fair, just and reasonable.

10. This Court does not see the petitioners herein of different religion as Hindu and Muslim, rather as two grown up individuals who out of their own free will and choice are living together peacefully and happily for a considerable time. The Courts and the Constitutional Courts in particular are enjoined to uphold the life and liberty of an individual guaranteed under Article 21 of the Constitution of India. Right to live with a person of his/her choice, irrespective of religion professed by them, is intrinsic to right to life and personal liberty. Interference in a personal relationship, would constitute a serious encroachment into the right to freedom of choice of the two individuals. This Court fails to understand that if the law permits two persons even of the same sex to live together peacefully then neither any individual nor a family nor even State can have objection to heterosexual relationship of two major individuals who out of their own free will are living together. Decision of an individual who is of the age of majority, to live with an individual of his/her choice is strictly a right of an individual and when this right is infringed it would constitute breach of his/her fundamental right to life and personal liberty as it includes right to freedom of choice, to choose a partner and right to live with dignity as enshrined in Article 21 of the Constitution of India.

11. In a more recent decision of a three judge Bench in **Soni Gerry v Gerry Douglas, (2018) 2 SCC 197**, the Hon'ble Supreme Court dealt with a case where the daughter of the appellant and respondent, who was a major had expressed a desire to reside in Kuwait, where she was pursuing her education, with her father. This Court observed thus:

*"9. She has, without any hesitation, clearly stated that she intends to go back to Kuwait to pursue her career. In such a situation, we are of the considered opinion that as a major, she is entitled to exercise her choice and freedom and the Court cannot get into the aspect whether she has been forced by the father or not. There may be ample reasons on her behalf to go back to her father in Kuwait, but we are not concerned with her reasons. What she has stated before the Court, that alone matters and that is the heart of the reasoning for this Court, which keeps all controversies at bay.*

*10. It needs no special emphasis to state that attaining the age of majority in an individual's life has its own significance. She/He is entitled to make her/his choice. The courts cannot, as long as the choice remains, assume the role of *parens patriae*. The daughter is entitled to enjoy her freedom as the law permits and the court should not assume the role of a super guardian being moved by any kind of sentiment of the mother or the egotism of the father. We say so without any reservation."*

12. A perusal of the aforesaid judgments manifests that the Apex Court has respected the liberty of an individual who has attained the age of majority.

13. The Apex Court in **Shakti Vahini Vs. Union of India (2018) 7 SCC 192** came down heavily on the perpetrators of "honour killings", which the Court found not only horrific and barbaric but also interfering with the right to choose a life partner and the dignity of an individual.

14. Right to choose a partner irrespective of caste, creed or religion, is inhered under right to life and personal liberty, an integral part of the Fundamental Right under Article 21 of the Constitution of India.

15. This Court has already dealt with interfaith marriage contracted by the petitioners and total 17 petitions pertain to interfaith marriage were heard and allowed by this Court in case of **Mayra @ Vaishvi Vilas Shirshikar and Another vs. State of U.P. and Others, Writ- C No. 14806 of 2021**, decided on 18.11.2021 and it was observed that the choice of a partner whether within or outside marriage lies within the exclusive domain of each individual. It was further observed that the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (in short "the Act, 2021), *per se* does not prohibit interfaith marriage.

16. The Articles 14 and 15 of the Constitution of India ensure equal treatment of all individual. It does not discriminate against citizens based

on religion, race, caste, sex or place of birth.

17. The Hon'ble Apex Court as well as this Court in a catena of decision have held that live-in relation is neither prohibited nor punishable under any law. Therefore, considering Articles 14, 15 and 21 of the Constitution of India and the Act, 2021, it cannot be said that live-in relationship of interfaith couple is an offence. If an offence had been committed, it would have been reported by any person in terms of Section 4 of the Act, 2021. No F.I.R. or complaint has been registered till date in respect of live-in relationship of the petitioners. Secondly, this Court is not a trial court to find out as to whether any offence has been committed by the petitioners by putting themselves in a live-in relationship. This Court at this stage is only examining the issue of apprehension of the petitioners based on threat to their life and liberty for the reasons/circumstances as narrated in the petition. If the petitioners have not committed any offence, this Court sees no reason as to why their prayer for grant of protection cannot be acceded to.

18. The issue in hand, is the deprivation of Fundamental Right of seeking protection of life and liberty. I have no hesitation to hold that Constitutional Fundamental Right under Article 21 of Constitution of India stands on a much higher pedestal. Being sacrosanct under the Constitutional Scheme it must be protected, regardless of the solemnization of an invalid or void marriage or even the absence of any marriage between the parties.

19. This Court in **Writ-C No. 41127 of 2025 (Noori And Another vs. State of U.P. and 4 Others)**, decided on 23.02.2026, has dealt in detail with the same controversy. The facts of the present case is similar to the facts of **Noori (supra)**.

20. 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's religious belief. The mere fact that the petitioners are living in an interfaith relationship, would not deprive them of their fundamental right as envisaged in Constitution of India, being citizens of India. No

discrimination can be made on the basis of caste, creed, sex or religion.

21. Accordingly, the writ petitions filed by the petitioners stand **allowed** with the following observations:

(i) The petitioners herein are at liberty to approach the police authorities for redressal of their grievances, in case any harm is caused by private respondents or their associates. Upon receipt of such application, the police authorities shall examine the matter and age of the petitioners and if they find any substance in the allegations of the petitioners, they will act in accordance with law for protection of life, limb and liberty of the petitioners.

(ii) The petitioners may lodge a report/complaint if anybody attempts to convert their religion against their wishes, or by any fraudulent means, force, coercion, allurements, undue influence or practice of misrepresentation.

(iii) The directions contained in the Government Order dated 31.08.2019 mentioned in the case of Noori (**supra**), are binding upon all concerned authorities and shall be strictly complied with.

(iv) This order would not come in way of investigation, if any, pending before the Police Authorities.

22. No order as to cost.

23. However, it is made clear that this Court has not adjudicated the correct age of the petitioners. It is further clarified, this order has not been passed to protect the petitioners against any action or proceedings instituted in accordance with law.

**(Vivek Kumar Singh,J.)**

**March 18, 2026**

Nitendra