



2026:AHC:111927

Reserved on 12.03.2026

Delivered on 14.05.2026

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 42672 of 2025**

Smt. Sidra Parveen And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Sanjay Singh

Counsel for Respondent(s) : Umair Mahmood, Anurag Shrivastava,  
C.S.C.

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**Court No. - 80**

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

1. Heard Sri Sanjay Singh, learned counsel for the petitioners, Sri Anurag Srivastava, learned counsel for the respondent no. 3 and Sri Ashwani Kumar Tripathi, learned Additional Chief Standing Counsel for the State-respondent nos.1 and 2.

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 marital life.

3. This writ petition has been filed by the petitioners, who claim to have attained the age of majority and to have solemnized their marriage/nikah of their own free will. The allegation of the petitioners is that they are being harassed by the respondent no.3, who happens to be father of the petitioner no.1. Therefore, they seek protection from this Court to secure their life and liberty.

4. Learned counsel for the petitioners submitted that the date of birth of the petitioner no.1 is 22.10.2003, as per her High School Examination Certificate, and she was a regular student of B.Sc. II year. The petitioner no.2 is also a major boy and as per Educational Certificate, his date of birth is 03.05.1999. It is further submitted that since both the petitioners were major hence under the law of Indian Majority Act, they were legally entitled to solemnize their marriage/nikah with their own free will and accord and accordingly marriage/nikah was performed place on 24.04.2024, a copy of

Nikahnama has been appended as Annexure-3 to the writ petition. The petitioner no.1 sought police protection by moving an application on 26.11.2025 since family members of petitioner no.1 were creating hindrance in the peaceful married life of the petitioner. It was also claimed by the petitioners that they had applied online for registration of their marriage and they belong to the same religion and this was the first marriage of the petitioners.

5. Per contra, learned counsel for the respondent no.3 as well as learned Additional Chief Standing Counsel for the State-respondent vehemently opposed the prayer made by the petitioners and submitted that this was not a valid nikah. It was alleged that nikah was performed on 24.04.2025 but on that date petitioner no.1 was out of India. It is further submitted that the petitioner no.1 was in Dubai from 23.01.2025 to 21.05.2025. In support of his contention, a photocopy of the passport of the petitioner no.1 has been appended alongwith the short counter affidavit.

6. The learned Additional Chief Standing Counsel, based on instructions, submitted that the petitioner no.1 was not present in India and the Qazi and other witnesses accepted this fact that petitioner no.1 was in Dubai when nikah was performed. However, it is admitted by the witnesses that nikah was performed through video conferencing. It is admitted in the report dated 24.01.2026 submitted by the District Magistrate, Rampur that the petitioner no.1 was seen in the video, however, the authenticity of video was not verified.

7. In rebuttal, it is submitted by the learned counsel for the petitioners that Nikahnama dated 24.04.2025 of the petitioner is a valid and genuine document. Nikah dated 24.04.2025 was accepted by the petitioner no.1 on video call. There is no requirement to be present personally at the time of nikah and nikah may be performed through video conferencing.

8. I have heard the rival submissions of the learned counsel for the parties and perused the records.

9. The petitioner no.1 appeared before this Court on 17.12.2025 and stated that she was a major girl and a permanent resident of District Bijnor and she accepted before this Court that her nikah was performed with the petitioner

no.2. At the time of her nikah, she was living in Dubai. She admitted that she made her signature on Nikahnama when she came back to India and her nikah was performed through video conferencing. She claimed in the open court that she had apprehension of life threat from her father, who is also present in the court premises alongwith several other persons. She further stated that her relatives and friends of her father tried to stop her outside the Court.

10. On 17.12.2025 an interim order was passed by this Court and S.S.P./S.P. concerned was directed to ensure that no harassment is caused to the petitioners at the behest of respondent no.3 and his family members on account of marriage/nikah of the petitioners. The Commissioner of Police, Prayagraj was also directed to ensure safety and security of the petitioner no.1.

11. Admittedly, both the petitioners are majors and competent to act of their own free will and be held responsible for their acts, thus, the respondent no.3 cannot interfere in their married life even if they have not performed a valid nikah or they are living together in a live-in-relationship.

12. This court is not examining the validity and genuineness of Nikahnama dated 24.04.2025. The objection raised by the counsel for the respondent no.3 as well as learned Additional Chief Counsel appears to be misconceived and in any case pre-mature. This Court at this stage is examining the issue of security of the life and liberty of the petitioners.

13. As already noted, without expressing any opinion on the merits of the validity of the marriage/nikah at this stage, I am of the view that what needs to be addressed is the apprehension of the petitioners based on threat to their life and liberty for the reasons/circumstances as narrated in the petition.

14. Controversy that needs adjudication now is whether an appropriate writ/direction or order is warranted to allay the apprehensions of the petitioners for granting protection to them for enforcement of their fundamental rights under Article 21 of the Constitution of India.

15. The issue in hand, however, is not marriage/nikah of the petitioners, but 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 a void marriage/nikah or even the absence of any marriage/nikah between the parties.

16. In the case of **Shafin Jahan Vs. Asokan K.M. and Ors.** reported in **(2018) 16 SCC 368**, the Hon'ble 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. The relevant paragraphs of **Shafin Jahan (supra)** are reproduced as under:

*"26. In Ummu Sabeena vs. State of Kerala and Others, (2011) 10 SCC 781, the Court further ruled that the principle of habeas corpus has been incorporated in our constitutional law and in a democratic republic like India where judges function under a written Constitution and which has a chapter of fundamental rights to protect individual liberty, the judges owe a duty to safeguard the liberty not only of the citizens but also of all persons within the territory of India; and the same exercise of power can be done in the most effective manner by issuing a writ of habeas corpus.*

*27 . Thus, the pivotal purpose of the said writ is to see that no one is deprived of his/her liberty without sanction of law. It is the primary duty of the State to see that the said right is not sullied in any manner whatsoever and its sanctity is not affected by any kind of subterfuge. The role of the Court is to see that the detenu is produced before it, find out about his/her independent choice and see to it that the person is released from illegal restraint. The issue will be a different one when the detention is not illegal. What is seminal is to remember that the song of liberty is sung with sincerity and the choice of an individual is appositely respected and conferred its esteemed status as the Constitution guarantees. It is so as the expression of choice is a fundamental right Under Articles 19 and*

*21 of the Constitution, if the said choice does not transgress any valid legal framework. Once that aspect is clear, the enquiry and determination have to come to an end.*

*52. It is obligatory to state here that expression of choice in accord with law is acceptance of individual identity. Curtailment of that expression and the ultimate action emanating therefrom on the conceptual structuralism of obeisance to the societal will destroy the individualistic entity of a person. The social values and morals have their space but they are not above the constitutionally guaranteed freedom. The said freedom is both a constitutional and a human right. Deprivation of that freedom which is ingrained in choice on the plea of faith is impermissible. Faith of a person is intrinsic to his/her meaningful existence. To have the freedom of faith is essential to his/her autonomy; and it strengthens the core norms of the Constitution. Choosing a faith is the substratum of individuality and sans it, the right of choice becomes a shadow. It has to be remembered that the realisation of a right is more important than the conferment of the right. Such actualisation indeed ostracises any kind of societal notoriety and keeps at bay the patriarchal supremacy. It is so because the individualistic faith and expression of choice are fundamental for the fructification of the right. Thus, we would like to call it indispensable preliminary condition.*

*53 . Non-acceptance of her choice would simply mean creating discomfort to the constitutional right by a Constitutional Court which is meant to be the protector of fundamental rights. Such a situation cannot remotely be conceived. The duty of the Court is to uphold the right and not to abridge the sphere of the right unless there is a valid authority of law. Sans lawful sanction, the centripodal value of liberty should allow an individual to write his/her script. The individual signature is the insignia of the concept.*

*54. In the case at hand, the father in his own stand and perception may feel that there has been enormous transgression of his right to protect the interest of his daughter but his view point or position cannot be allowed to curtail the fundamental rights of his daughter who, out of her own volition, married the Appellant. Therefore, the High Court has completely*

*erred by taking upon itself the burden of annulling the marriage between the Appellant and the Respondent No. 9 when both stood embedded to their vow of matrimony."*

17. 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."*

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

19. 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. The Apex Court held as under:-

*"44. The concept of liberty has to be weighed and tested on the*

*touchstone of constitutional sensitivity, protection and the values it stands for. It is the obligation of the Constitutional Courts as the sentinel on qui vive to zealously guard the right to liberty of an individual as the dignified existence of an individual has an inseparable association with liberty. Without sustenance of liberty, subject to constitutionally valid provisions of law, the life of a person is comparable to the living dead having to endure cruelty and torture without protest and tolerate imposition of thoughts and ideas without a voice to dissent or record a disagreement. The fundamental feature of dignified existence is to assert for dignity that has the spark of divinity and the realization of choice within the parameters of law without any kind of subjugation. The purpose of laying stress on the concepts of individual dignity and choice within the framework of liberty is of paramount importance. We may clearly and emphatically state that life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into the constitutional recognition of identity of a person.*

*(emphasis supplied)*

*45. The choice of an individual is an inextricable part of dignity, for dignity cannot be thought of where there is erosion of choice. True it is, the same is bound by the principle of constitutional limitation but in the absence of such limitation, none, we mean, no one shall be permitted to interfere in the fructification of the said choice. If the right to express one's own choice is obstructed, it would be extremely difficult to think of dignity in its sanctified completeness. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal and they have the right to do so. And it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation... "*

20. 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. The Apex Court in **KS Puttaswamy vs Union of India (2017) 10 SCC 1** while deciding the issue of right to privacy, held as under:-

*"298. Privacy of the individual is an essential aspect of dignity. Dignity*

*has both an intrinsic and instrumental value. As an intrinsic value, human dignity is an entitlement or a constitutionally protected interest in itself. In its instrumental facet, dignity and freedom are inseparably intertwined, each being a facilitative tool to achieve the other. The ability of the individual to protect a zone of privacy enables the realization of the full value of life and liberty. Liberty has a broader meaning of which privacy is a subset. All liberties may not be exercised in privacy. Yet others can be fulfilled only within a private space. Privacy enables the individual to retain the autonomy of the body and mind. The autonomy of the individual is the ability to make decisions on vital matters of concern to life. Privacy has not been couched as an independent fundamental right. But that does not detract from the constitutional protection afforded to it, once the true nature of privacy and its relationship with those fundamental rights which are expressly protected is understood. Privacy lies across the spectrum of protected freedoms. The guarantee of equality is a guarantee against arbitrary state action. It prevents the state from discriminating between individuals. The destruction by the state of a sanctified personal space whether of the body or of the mind is violative of the guarantee against arbitrary state action. Privacy of the body entitles an individual to the integrity of the physical aspects of personhood. The intersection between one's mental integrity and privacy entitles the individual to freedom of thought, the freedom to believe in what is right, and the freedom of self-determination. When these guarantees intersect with gender, they create a private space which protects all those elements which are crucial to gender identity. The family, marriage, procreation and sexual orientation are all integral to the dignity of the individual. Above all, the privacy of the individual recognises an inviolable right to determine how freedom shall be exercised. An individual may perceive that the best form of expression is to remain silent. Silence postulates a realm of privacy. An artist finds reflection of the soul in a creative endeavour. A writer expresses the outcome of a process of thought. A musician contemplates upon notes which musically lead to silence. The silence, which lies within, reflects on the ability to choose how to convey thoughts and ideas or interact with others. These are crucial aspects of personhood. The freedoms Under Article 19 can be fulfilled where the individual is entitled to decide upon*

*his or her preferences. Read in conjunction with Article 21, liberty enables the individual to have a choice of preferences on various facets of life including what and how one will eat, the way one will dress, the faith one will espouse and a myriad other matters on which autonomy and self-determination require a choice to be made within the privacy of the mind. The constitutional right to the freedom of religion Under Article 25 has implicit within it the ability to choose a faith and the freedom to express or not express those choices to the world. These are some illustrations of the manner in which privacy facilitates freedom and is intrinsic to the exercise of liberty. The Constitution does not contain a separate Article telling us that privacy has been declared to be a fundamental right. Nor have we tagged the provisions of Part III with an alpha suffixed right of privacy: this is not an act of judicial redrafting. Dignity cannot exist without privacy. Both reside within the inalienable values of life, liberty and freedom which the Constitution has recognised. Privacy is the ultimate expression of the sanctity of the individual. It is a constitutional value which straddles across the spectrum of fundamental rights and protects for the individual a zone of choice and self-determination.*

*(emphasis supplied)*

*299. Privacy represents the core of the human personality and recognises the ability of each individual to make choices and to take decisions governing matters intimate and personal. Yet, it is necessary to acknowledge that individuals live in communities and work in communities. Their personalities affect and, in turn are shaped by their social environment. The individual is not a hermit. The lives of individuals are as much a social phenomenon. In their interactions with others, individuals are constantly engaged in behavioural patterns and in relationships impacting on the rest of society. Equally, the life of the individual is being consistently shaped by cultural and social values imbibed from living in the community. (emphasis supplied) 323. Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way*

*of life are intrinsic to privacy. Privacy protects heterogeneity and recognises the plurality and diversity of our culture. While the legitimate expectation of privacy may vary from the intimate zone to the private zone and from the private to the public arenas, it is important to underscore that privacy is not lost or surrendered merely because the individual is in a public place. Privacy attaches to the person since it is an essential facet of the dignity of the human being;*

*(emphasis supplied)*

21. An individual on attaining majority is statutorily conferred a right to choose a partner, which if denied would not only affect his/her human right but also his/her right to life and personal liberty. To disregard the choice of a person who is of the age of majority would not only be antithetic to the freedom of choice of a grown up individual but would also be a threat to the concept of unity in diversity.

22. Justice D.Y. Chandrachud, while delivering the judgment of **Shafin Jahan (supra)** has held that right to marry a person of one's choice is integral to Article 21 of the Constitution. It guarantees the right of life and personal liberty. The Constitution protects the ability of each individual to pursue a way of life or faith to which he or she seeks to adhere. The relevant paragraphs of **Shafin Jhana (supra)**, are reproduced as hereunder:

*"17. The exercise of the jurisdiction to declare the marriage null and void, while entertaining a petition for habeas corpus, is plainly in excess of judicial power. The High Court has transgressed the limits on its jurisdiction in a habeas corpus petition. In the process, there has been a serious transgression of constitutional rights. That is the second facet to which we now turn.*

*18. Hadiya and Shafin Jahan are adults. Under Muslim law, marriage or Nikah is a contract. Muslim law recognises the right of adults to marry by their own free will. The conditions for a valid Muslim marriage are:*

*(i) Both the individuals must profess Islam;*

*(ii) Both should be of the age of puberty;*

(iii) *There has to be an offer and acceptance and two witnesses must be present;*

(iv) *Dower and Mehar; and*

(v) *Absence of a prohibited degree of relationship.*

*19. A marriage can be dissolved at the behest of parties to it, by a competent court of law. Marital status is conferred through legislation or, as the case may be, custom. Deprivation of marital status is a matter of serious import and must be strictly in accordance with law. The High Court in the exercise of its jurisdiction Under Article 226 ought not to have embarked on the course of annulling the marriage. The Constitution recognises the liberty and autonomy which inheres in each individual. This includes the ability to take decisions on aspects which define one's personhood and identity. The choice of a partner whether within or outside marriage lies within the exclusive domain of each individual. Intimacies of marriage lie within a core zone of privacy, which is inviolable. The absolute right of an individual to choose a life partner is not in the least affected by matters of faith. The Constitution guarantees to each individual the right freely to practise, profess and propagate religion. Choices of faith and belief as indeed choices in matters of marriage lie within an area where individual autonomy is supreme. The law prescribes conditions for a valid marriage. It provides remedies when relationships run aground. Neither the state nor the law can dictate a choice of partners or limit the free ability of every person to decide on these matters. They form the essence of personal liberty under the Constitution. In deciding whether Shafin Jahan is a fit person for Hadiya to marry, the High Court has entered into prohibited terrain. Our choices are respected because they are ours. Social approval for intimate personal decisions is not the basis for recognising them. Indeed, the Constitution protects personal liberty from disapproving audiences.*

*20. Article 16 of the Universal Declaration of Human Rights underscores the fundamental importance of marriage as an incident of human liberty:*

***"Article 16.***

*(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.*

*(2) Marriage shall be entered into only with the free and full consent of the intending spouses.*

*(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."*

*21. 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 06-12-2024 (Page 25 of 27) [www.manupatra.com](http://www.manupatra.com) Legal Observer Trust 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.*

*22. In Justice K.S. Puttaswamy v. Union of India MANU/SC/1044/2017 : 2017 (10) SCC 1, this Court in a decision of nine judges held that the ability to make decisions on matters close to one's life is an inviolable aspect of the human personality:*

*"The autonomy of the individual is the ability to make decisions on vital matters of concern to life The intersection*

*between one's mental integrity and privacy entitles the individual to freedom of thought, the freedom to believe in what is right, and the freedom of self-determination. The family, marriage, procreation and sexual orientation are all integral to the dignity of the individual."*

*A Constitution Bench of this Court, in Common Cause (A Regd. Society) v. Union of India, Writ Petition (Civil) No. 215 of 2025, held:*

*"Our autonomy as persons is founded on the ability to decide: on what to wear and how to dress, on what to eat and on the food that we share, on when to speak and what we speak, on the right to believe or not to believe, on whom to love and whom to partner, and to freely decide on innumerable matters of consequence and detail to our daily lives."*

*The strength of the Constitution, therefore, lies in the guarantee which it affords that each individual will have a protected entitlement in determining a choice of partner to share intimacies within or outside marriage.*

*23. The High Court, in the present case, has treaded on an area which must be out of bounds for a constitutional court. The views of the High Court have encroached into a private space reserved for women and men in which neither law nor the judges can intrude. The High Court was of the view that at twenty four, Hadiya "is weak and vulnerable, capable of being exploited in many ways". The High Court has lost sight of the fact that she is a major, capable of taking her own decisions and is entitled to the right recognised by the Constitution to lead her life exactly as she pleases. The concern of this Court in intervening in this matter is as much about the miscarriage of justice that has resulted in the High Court as much as about the paternalism which underlies the approach to constitutional interpretation reflected in the judgment in appeal. The superior courts, when they exercise their jurisdiction *parens patriae* do so in the case of persons who are incapable of asserting a free will such as*

*minors or persons of unsound mind. The exercise of that jurisdiction should not transgress into the area of determining the suitability of partners to a marital tie. That decision rests exclusively with the individuals themselves. Neither the state nor society can intrude into that domain. The strength of our Constitution lies in its acceptance of the plurality and diversity of our culture. Intimacies of marriage, including the choices which individuals make on whether or not to marry and on whom to marry, lie outside the control of the state. Courts as upholders of constitutional freedoms must safeguard these freedoms. The cohesion and stability of our society depend on our syncretic culture. The Constitution protects it. Courts are duty bound not to swerve from the path of upholding our pluralism and diversity as a nation.*

*24. Interference by the State in such matters has a seriously chilling effect on the exercise of freedoms. Others are dissuaded to exercise their liberties for fear of the reprisals which may result upon the free exercise of choice. The chilling effect on others has a pernicious tendency to prevent them from asserting their liberty. Public spectacles involving a harsh exercise of State power prevent the exercise of freedom, by others in the same milieu. Nothing can be as destructive of freedom and liberty. Fear silences freedom."*

23. 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 a major. The mere fact that Nikahnama appears to be a suspicious document would not deprive the petitioners of their fundamental right as envisaged in Constitution of India, being citizen of India.

24. In **Lata Singh vs. State of UP 2006 Cr.L.J. 3309**, while dealing with a case of harassment by the parents of the boy and girl, who had entered into inter-caste marriage, Hon'ble Supreme Court has issued directions to the Administration/Police authorities throughout the country in the following terms:-

*"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."*

25. In **Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396**, the Hon'ble Supreme Court held in paragraph 28 and 29 as under:-

*"28. .... Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. We have held in Lata Singh case that there is nothing "honourable" in "honour" killings, and they are nothing but barbaric and brutal murders by bigoted persons with feudal minds. In our opinion honour killings, for whatever reason, come within the category of the rarest of rare cases deserving death punishment. It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilised behavior. All persons who are planning to perpetrate "honour" killings should know that the gallows await them.*

*29. Let a copy of this judgment be sent to the Registrars General/ Registrars of all the High Courts who shall circulate the same to all the Judges of the Courts. The Registrars General/ Registrars of the High Courts will also circulate copies of the same to all the Sessions Judges/ Additional Sessions Judges in the States/Union Territories. Copies of the judgment shall also be sent to all the Chief Secretaries/ Home Secretaries/ Directors General of Police of all States/ Union Territories in the country. The Home Secretaries and Directors General of Police will circulate the same to all SSPs/SPs in the States/Union Territories for information."*

26. It is contended by learned Additional Chief Standing Counsel that the above observations and directions issued by the Supreme Court are being enforced in the State of UP and that no further direction is required to be issued by this Court at this stage as it is a mere apprehension of the petitioners that the private respondent may commit some act of violence or harass the petitioners.

27. Considering the facts and circumstances of the case, but without prejudice to the merits of the case, the writ petition is finally disposed of with the direction 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 Senior Superintendent of Police or Superintendent of Police concerned with a copy of this order, who will examine the matter and shall provide immediate protection to the petitioners. The Police authority shall also ensure that an innocent person should not be harassed or humiliated if he / she has not caused any hindrance in peaceful married life of the petitioners.

28. However, it is made clear that this court has not adjudicated the validity of the marriage/nikah or genuineness of their marriage certificate/nikahnama claimed by the petitioners or 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.

29. However, this order would not come in way of investigation, if any, pending before the police authorities.

30. The writ petition is **disposed of** accordingly with above observations.

(Vivek Kumar Singh,J.)

**May 14, 2026**

Nitendra