



2026:AHC:23561

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41804 of 2025

Smt. Samiya And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilesh Kumar Singh, Pratik Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 82

HON'BLE GARIMA PRASHAD, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel appearing for the respondent Nos.1 to 3.

2. This writ petition has been filed praying for the following relief:-

"I. Issue a writ order or direction in the nature of Writ of Mandamus commanding and directing the respondent No.1 to 3 to protect the life of the petitioners and also direct the respondent No.2 & 3 to grant protection to the petitioners from illegal hindrance of respondent No.4 in peaceful marital life of the petitioners and not to harass the family members of the petitioner No.2."

3. It is submitted that the petitioners, both major Muslims, aged about 20 years and 33 years, have solemnized their marriage against the wishes of the family of petitioner No.1. It is stated that owing to the age difference and the apprehension that this is not the first marriage of petitioner No.2, the father of petitioner No. 1 is continuously harassing and threatening the petitioners, thereby disturbing their peaceful married life and causing apprehension to their life and liberty.

4. Instructions had been sought from the respondent authorities. Learned Standing Counsel, upon receiving instructions, submits that this is the first marriage of the petitioners.

5. This Court notes that in view of the large number of young couples

approaching this Court seeking protection of their life and liberty, this Court, in Writ-C No. 24328 of 2019 (Suman Ahirwar and others vs. State of U.P. and others), after taking note of the judgment of the Hon'ble Supreme Court in **Shakti Vahini vs. Union of India**, 2018 (7) SCC 192, directed the State authorities to evolve an effective mechanism and frame guidelines to address such cases at the district level. Pursuant to the said directions, the State Government issued Government Order No. 1/2019/591WRIT/Chh-Pu.-3-2019-2(344)P/2019 (संख्या-1/2019/591रिट/छ-पु-3-2019-2(344)पी/2019) dated 31.08.2019, laying down mandatory preventive, remedial and punitive measures for protection of couples facing threats on account of marriage or any consensual relationship.

6. The said Government Order mandates that the police authorities shall assess threat perception in each case, extend necessary protection, including safe accommodation and security shall be provided depending upon the gravity of the situation. It further provides that cases involving Khap Panchayats or honour-based threats are to be treated as serious matters, however even in other cases of familial opposition, the authorities are duty-bound to evaluate risk and grant appropriate relief. Failure to comply with these directions has been made punishable by departmental action. The relevant extract of the aforesaid Government Order dated 31.8.2019 reads as under:

"(3)2- उपचारात्मक उपाय:-

(ए) ...

(बी) ...

(सी) इसके अतिरिक्त कपुल/पारिवारिक सदस्यों को सुरक्षा उपलब्ध करायी जाये तथा आवश्यकतानुसार उन्हें उसी जिले में उनकी सुरक्षा व भय को दृष्टिगत रखते हुए सुरक्षित स्थान पर रखा जाये।

(i) ऐसे युवा अविवाहित कपुल (जोड़े) जिनके सम्बन्धों को परिवार द्वारा अथवा

स्थानीय खाप द्वारा विरोध किया जाता है।

(ii) ऐसे युवक विवाहित (युवक/युवतियाँ) जो अन्तर्जातीय व अन्तर्धर्मीय विवाह से सम्बन्धित हैं उन्हें सुरक्षित रखने हेतु क्षेत्राधिकारी वाले मजिस्ट्रेट व पुलिस अधीक्षक के निर्देश से सुरक्षित घरों में रखने की व्यवस्था की जाये।

(डी) जिला मजिस्ट्रेट/पुलिस अधीक्षक द्वारा ऐसे युगल अथवा परिवार के सदस्यों को जीवन भय के सम्बन्ध में की गयी शिकायतों पर संवेदनशीलता बरती जाये। पहले यह सुनिश्चित किया जाये कि ऐसे अविवाहित युवक/युवतियाँ जो यदि व्यस्क हो तो उन्हें विवाह हेतु सहयोग प्रदान करते हुए विवाह पंजीकरण में सहयोग प्रदान किया जाये। विवाह के पश्चात यदि वे इच्छा व्यक्त करते हैं तो उन्हें न्यूनतम दर पर 01 माह के लिये सुरक्षित घर उपलब्ध कराया जाये, किन्तु यह 01 वर्ष से अधिक की अवधि से अधिक नहीं होगी जो उनके जीवन भय की समय सीमा पर आधारित होगी।

(ई) ऐसे अविवाहित युवक/युवतियाँ अथवा युवा विवाहित जोड़ों अथवा स्वतंत्र श्रोत से शिकायत प्राप्त होने पर उसकी जाँच करायी जाय कि क्या उनके द्वारा या स्थानीय समुदाय या खाप द्वारा उनका विरोध किया जा रहा है तब जिला मजिस्ट्रेट व पुलिस अधीक्षक अथवा अतिरिक्त पुलिस अधीक्षक द्वारा प्रकरण की गंभीरता एवं जीवन भय की समस्या के सम्बन्ध में प्रारंभिक जाँच करायी जायेगी और जाँच रिपोर्ट वरिष्ठ पुलिस अधीक्षक को 01 सप्ताह के अंदर प्रस्तुत की जायेगी।...."

7. For convenience, the english translated version of the above quoted extract of the Government Order dated 31.8.2019, is reproduced below:-

“3(2) Remedial Measures

(a) ...

(b) ...

(c) Additionally, the security should be provided to the couple/family members and, if necessary, they should be kept at a safe house within the same district keeping in mind their safety and threat perception.

(i) young unmarried couples whose relationship is being opposed by their families or local khap.

(ii) such young married (girls/boys) who relate to an

inter-caste or inter-religious marriage, arrangement should be made to keep them safe in secure houses under the supervision and instructions of the jurisdictional Magistrate and Superintendent of Police.

(d) The District Magistrate/Superintendent of Police must deal with the complaint regarding threats administered to such a couple/family with utmost sensitivity. It should be first ascertained that such unmarried couples, if they are adults, should be provided support in the registration process of their marriage. After the marriage, if the couple so desire, they should be provided accommodation on payment of nominal charges in a secure house for a period of one month but not exceeding one year in aggregate, depending on their threat assessment on case to case basis.

(e) The inquiry regarding the complaint received from the unmarried couple or a young married couple or upon receiving information from an independent source that they are being opposed by them/local community/Khap, shall be conducted. The District Magistrate/Superintendent of Police or Additional Superintendent of Police shall conduct a preliminary inquiry in relation to the gravity of the case and threat perception and he shall submit a report to the Senior Superintendent of Police within one week...”

8. It is ordered that the directions contained in the above Government Order are binding upon all concerned authorities and shall be strictly complied with.

9. In the present case, the learned counsel for the petitioners submits that pursuant to the interim protection granted by this Court on 26.11.2025, there is no further threat to the life of the petitioners from the respondent No.4, who is father of the petitioner No.1.

10. In view of the above, the present writ petition is disposed of. However, in case any genuine and serious threat perception to the life and

liberty of the petitioners arises, it shall always be open to them to approach the police authorities, who shall be duty-bound to assess such threat perception and provide appropriate protection, ensuring that no harassment is caused to the petitioners, strictly in accordance with the Government Order dated 31.08.2019 and the directions of the Supreme Court in **Shakti Vahini vs. Union of India (supra)**.

11. It is clarified that this order shall not be treated as an adjudication on the validity of the marriage. It is further made clear that this Court has neither examined nor expressed any opinion on any allegation of enticement, coercion or any other allegation of criminal nature which the parties may have against each other, and the respondent authorities shall remain at liberty to take action in accordance with law, if so warranted.

(Garima Prashad,J.)

February 3, 2026

Rakesh