

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

Writ Petition (CRL) No. 956 of 2021

22nd June, 2021

Mr. Mohd. Safdar, learned counsel for the petitioners.

Mr. J.S. Virk, the learned Deputy Advocate General for the State of Uttarakhand accepts notice on behalf of respondent Nos. 1 & 2.

ORDER: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The petitioners, Ms. Haseena and Mr. Bablu, have filed the present writ petition, *inter alia*, on the ground that since they had fallen in love with each other, both of them got married on 08.06.2021 as per the Muslim customs and rites at Jwalapur, District-Haridwar. Both the petitioners belong to Islam religion. According to the Adhar Cards, both the petitioners are major. However, the respondent No. 3, who is the father of the petitioner No. 1, never accepted their marriage. In fact, he is continuously pressurizing the petitioner No. 1 to return to her parental house. Furthermore, the respondent no. 3 is threatening the petitioners with dire consequences. Despite the fact

that on 08.06.2021, the petitioners had submitted a representation to the Senior Superintendent of Police, District-Haridwar, for the protection of their lives and liberties. So far, no action has been taken by him. Hence, the present writ petition before this Court.

2. The learned counsel for the petitioners has reiterated the abovementioned facts. According to the learned counsel for the petitioners, since both the petitioners are major, they are free to choose their life-partners. Even if respondent No. 3 is opposing the marriage, he cannot be permitted to interfere with the fundamental rights of the petitioners. However, despite the representation made to the Senior Superintendent of Police, District-Haridwar, the police is yet to provide protection to the petitioners. Therefore, he submits that this Court should order the respondent No. 2, the Station House Officer, Police Station Shyampur, District Haridwar, to immediately provide police protection to the petitioners.

3. Undoubtedly, persons, who are major, have a fundamental right to choose their own life-partners, even inspite of the opposition voiced by the family

members. Therefore, respondent No. 3 should not be permitted to threaten or to hurt the petitioners.

4. Hence, this Court directs the respondent No. 2, the Station House Officer, Police Station Shyampur, District Haridwar, to immediately provide police protection to both the petitioners. The protection shall not only be for their lives, but shall also extend to protecting their property, if any.

5. Issue notice to respondent No. 3. Rule made returnable within four weeks.

6. The learned Deputy Advocate General for the State seeks four weeks' time to file counter affidavit.

7. List this case after four weeks.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 22nd June, 2021
RATHOUR