

Court No. - 45

Case :- WRIT - C No. - 19795 of 2021

Petitioner :- Shayara Khatun @ Shaira Khatun And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Manisha Singh, Sanjay Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, J.

Hon'ble Ashutosh Srivastava, J.

Heard Shri Sanjay Pathak, counsel for the petitioners and Standing Counsel representing the State-respondents.

The writ petitioners, who are both major and practicing different religious faith, are stated to be in live-in-relationship with each other since last more than two years.

The petitioners alleged that the respondent no. 4, who happens to be the father of petitioner no. 1, is interfering in the day-to-day life of the petitioners. It is stated that they have approached the concerned police authorities, but the police authorities are not extending any help and consequently, the life and liberty of the petitioners is undermined.

Live-in-relationships have become part and parcel of life and stand approved by the Hon'ble Apex Court. The live-in-relationship is required to be viewed from the lens of personal autonomy arising out of the right to life guaranteed under Article 21 of the Constitution of India, rather than, notions of social morality. The right to life enshrined under Article 21 of the Constitution of India is liable to be protected at all costs.

In such view of the matter, we are of the opinion that police authorities are obligated to protect the rights of the petitioners.

In the event, the petitioners approach the police authorities complaining of any threat to their life and liberty, we hope and trust that the police authorities shall perform their duties as expected from them under law.

The writ petition is disposed of in terms of the above observations.

Order Date :- 26.10.2021

Ravi Prakash