

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE NARAYAN SINGH DHANIK

WRIT PETITION (CRIMINAL) NO. 2100 OF 2021

24th NOVEMBER, 2021

Between:

Swati and another Petitioners

and

State of Uttarakhand and others Respondents

Counsel for the petitioners : Mr. Pankaj Kumar Sharma, learned counsel

Counsel for respondent State : Mr. J.S. Virk, learned Deputy Advocate General with Mr. Rakesh Kumar Joshi, learned Brief Holder for the State / respondent Nos. 1 and 2

The Court made the following:

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

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

2. The petitioners, Ms. Swati and Mr. Amit Gupta, 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 03.08.2021 as per the Hindu rites and customs at Village Narsan Kalan, Tehsil Roorkee, District Haridwar. According to the High School Mark-sheets, both the petitioners were major. However, the respondent Nos. 3, who happens to be the father of petitioner No. 1, and respondent Nos. 4 and 5, who happen to be the brothers of petitioner No. 1, never gave acceptance to their marriage. It is stated that these respondents are continuously threatening both the petitioners with dire consequences. According to the petitioners, they approached the P.S. Manglour, District Haridwar, seeking adequate safety and security for themselves. However, no action has been taken by the police for protecting the lives and property of both the petitioners. Hence, the present writ petition before this Court.

3. 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 Nos. 3, 4 and 5 are opposing the marriage, they cannot be permitted to interfere with the fundamental rights of the petitioners.

However, despite repeated requests, the police is yet to provide protection to the petitioners. Therefore, he submits that this Court should order the respondent No. 1, the Senior Superintendent of Police, District Haridwar, to immediately provide police protection to the petitioners.

4. 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 Nos. 3, 4 and 5 should not be permitted to threaten or to hurt the petitioners.

5. Hence, this Court directs the respondent No. 1, the Senior Superintendent of Police, 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.

6. Issue notice to respondent Nos. 3, 4 and 5. Rule made returnable within four weeks.

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

is directed to inform this Court about the steps taken by the police against the private respondents, if any.

8. List this case after four weeks.

RAGHVENDRA SINGH CHAUHAN, C.J.

NARAYAN SINGH DHANIK, J.

Dt: 24th NOVEMBER, 2021
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