

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. 955 of 2021

22nd June, 2021

Mr. Harshpal Sekhon, 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. Noori Begum @ Akansha and Mr. Arbaj, 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 26.02.2021 as per the Muslim customs and rites at Dargahe Aala Hajrat, Saudagaram, Bareilly, U.P. The marriage is an inter-faith marriage. According to the Adhar Card of the petitioner No. 2 and the High School Certificate of the petitioner No. 1, both the petitioners were major. However, the respondent Nos. 3 & 4, who are the father and the mother of the petitioner No. 1 never accepted their marriage. In fact, both of them have threatened the petitioners to kill them. It is

stated that respondent Nos. 3 & 4 may cause harm to them and may hire goons to take back petitioner No. 1. Despite the fact that on 14.06.2021, the petitioners had submitted a representation to the Senior Superintendent of Police, District-Udham Singh Nagar, 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 Nos. 3 & 4 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-Udham Singh Nagar, 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 Rudrapur, District Udham Singh Nagar, 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 Nos. 3 & 4 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 Rudrapur, District Udham Singh Nagar, 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 Nos. 3 & 4. 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