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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2502/2021

FARHEEN SAINI & ANR

..... Petitioner

Through: Mr. Dilip Kumar Santoshi and
Mr. Rahul Kumar Singh, Advocates

versus

STATE OF NCT OF DELHI & ORS

..... Respondent

Through: Mr. Richa Kapoor, ASC (CrI.) for
State/R-1 and R-2 with Ms. Surabhi
Katyal and Ms. Shivani Sharma,
Advocates and SI Narender P.S.
Keshav Puram.

Mr. Mohd Fuzail Khan, Mr. Ashutosh
Srivastava and Mr. Samant Singh,
Advocates for R- 3 to 5.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **24.01.2022**

(THROUGH VIDEO CONFERENCING)

1. The instant Criminal Writ Petition has been filed by the Petitioners under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") seeking issuance of Writ of Mandamus for direction to Respondent No. 2 to the protect the life and liberty of the Petitioners from Respondents No. 3 to 5.

2. The brief background of the case is that the Petitioner No. 1 and Petitioner No. 2 were in love affair for a long time. Petitioner No. 1 is an

educated Muslim girl, aged about 26 years, her date of birth being 15th March 1995, as per her high school certificate, and Petitioner No. 2 is a Hindu boy aged about 24 years, his date of birth is 31st July 1997, according to the Marriage Certificate. The Respondents No. 3 to 5 are the brother and uncles (mama), respectively of Petitioner No. 1. Petitioner No. 1 had expressed her intentions to solemnize marriage with the Petitioner No.2, however, the Respondents No. 3 to 5 were not ready for the same and used to pressurize, force and compel her to give her consent to marry a Muslim boy.

3. On 11th December 2021, Respondents No. 3 to 5 had mercilessly beaten up Petitioner No. 1 and were planning to perform her marriage to some unknown person. To save her life, Petitioner No. 1 left her parental house on 12th December 2021 and joined the company of Petitioner No. 2 with her own free will and consent.

4. The Petitioners got married as per Hindu rites and ceremonies at Arya Samaj Mandir, Vishwas Nagar, Shahdara, Delhi, on 13th December 2021, without any force, coercion or threat. Prior to the said solemnization of marriage, Petitioner No. 1 converted to Hindu religion and changed her name from 'Farheen' to 'Farheen Saini'. On the same day Petitioner No. 1 intimated Respondents No. 3 to 5 about her marriage and ever since then, the Respondents No.3 to 5 are threatening to kill the Petitioners because Petitioner No. 2 is a Hindu boy and a question of prestige is attached.

5. The Petitioners have been under apprehension of honour killing, since Respondents No. 3 to 5 are narrow minded people. The Petitioners believed that there was a real threat that the concerned Respondents alongwith their associates will go beyond legal limits to get revenge from the Petitioners and

can do anything with them. In pursuance of the threat to the life of the Petitioners, Petitioner No. 1 gave a written complaint to SHO, Police Station Kanhaiya Nagar, Delhi/Respondent No. 2 and other higher officials of Delhi Police, requesting a prompt legal action against Respondents 3 to 5 and provision for necessary security to the Petitioners and their family members from the Respondents No. 3 to 5. However, Respondent No. 2 did not take an action to assure the protection of the Petitioners. Hence, the instant writ petition.

6. On the last date of hearing, leaned counsel appearing on behalf of the Petitioners submitted that since the marriage between the Petitioners was an inter-religious marriage, there were serious threats to their life and liberty and accordingly, the ACP, Ashok Vihar area and SHO, Police Station Keshav Puram were cautioned that if any lapse occurred in the security or protection of the Petitioners, they shall be held liable.

7. Mr. Mohd. Fuzail Khan, learned counsel appearing on behalf of Respondents No. 3 to 5 and, on instructions, undertake that no threat will be extended from the Respondents No. 3 to 5 towards the Petitioners, as alleged by the Petitioners in the Petition.

8. There is no doubt that the present matter is of sensitive nature as the parties involved belong to different religious communities. The right to life and liberty is guaranteed by the Constitution of India and the same is an essential right to be protected, and in the present matter the Petitioners right was under threat at the instance of Respondents No. 3 to 5. However, now Respondents No. 3 to 5 have undertaken, through their counsel, not to act in any manner that may obstruct the right of the Petitioners guaranteed to them under the Constitution of India and will let them live a peaceful life without

any interference.

9. Keeping in view, the sensitivity of the matter, the submissions of learned counsel appearing on behalf of the Petitioners and undertaking given by learned counsel appearing on behalf of Respondents No. 3 to 5, the instant petition is disposed of with direction to the concerned Police Station to give all necessary and adequate protection to the Petitioners.

CHANDRA DHARI SINGH, J

JANUARY 24, 2022

Aj/MS