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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1505/2022, CRL.M.A.13121/2022
HINA & ANR.

..... Petitioner
Through: Ms.Mumtaz Ahmed, Mr.Satish
Sharma, Advocates.

versus

THE STATE & ORS.

..... Respondent
Through: Ms.Kamna Vohra, ASC (CrI.) with
Mr.Mukesh Kr, APP for the State and
SI Shajid Hussain, HC Harish Kumar,
PS Malviya Nagar.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **13.07.2022**

1. The learned counsel for the petitioner submits that the marriage between the petitioners no.1 and 2 was solemnised on 13.06.2022 in accordance with Special Marriage Act. The copy of the marriage certificate issued by the Revenue Department, Govt. of NCT of Delhi, Office of The District Magistrate, Hauz Khas, South District is annexed on record as annexure P1.
2. It is submitted that the petitioner no.1 left her home as her parents and other family members were torturing and harassing her on account of her relation with petitioner no.2. It is submitted the petitioner no.1 filed a complaint before SHO, Malviya Nagar, Delhi as well as SHO, Masuri, Ghaziabad, Uttar Pradesh against the private respondents, however, no action had been initiated in this regard.

3. It is further submitted by the learned counsel for petitioners that the father of petitioner no.1 is politically a well connected person in Uttar Pradesh and is capable of influencing the State machinery to their detriment.

4. The learned counsel for the petitioners submits there is an apprehension of physical harm from the side of parents/family members of the petitioner no.1, arrayed as respondents no.3 to 6 in this petition.

5. It is further submitted by the learned counsel for the petitioner that both the petitioners are major and have consented for marriage mutually. She also submits that it is the constitutional obligation of the police to ensure the safety of life, limb and property to the petitioners.

6. On the other hand the learned APP for the State submits the Investigating Officer had visited the residence of petitioner no.2 and recorded the statement of his family members and in their statement they categorically stated that they have no knowledge of the whereabouts of petitioner no.2 and in fact the mother of petitioner no.2 had filed a missing person complaint at PS Malviya Nagar in this regard. The learned APP also submits that the parents of petitioner no.2 do not have any knowledge about the petitioner no.1 or about the marriage which is stated to have taken place between petitioners no.1 and 2.

7. Upon a query by the Court, the learned counsel for the petitioners submits that the petitioners, post marriage, are living in various hotels and changing them frequently due to fear and unless they are protected they will not be able to find peace and will not be able to reside at a particular identified place.

8. Ms.Kamna Vohra, learned ASC for the State submits, that, to allay the fear of the petitioners they will provide the mobile numbers of the

SHO/Division Officer/Beat Officer(s) attached with PS Malviya Nagar so that in case of any threat/emergency, the petitioners may contact these officials for help. Let the said mobile numbers be provided to the petitioners in the course of the day.

9. The learned counsel for the petitioners submits that they have taken a house on rent which is located within the jurisdiction of PS Malviya Nagar, Delhi and that the address would be provided to the SHO/Division Officer/Beat Officer(s) during the course of the day.

10. The learned counsel for the petitioners will further ensure that a correct amended memo of parties will be filed within two weeks from today giving the correct particulars of the address of the petitioners as well as respondents. Once it is filed, the same be taken on record.

11. After hearing the counsels from both sides, I am of the considered view that the State is under a Constitutional obligation to protect its citizens especially in cases where the marriage is solemnized between two consenting adults irrespective of the caste or community. There is no dispute that in the present case the petitioners no.1 and 2 are major and the marriage certificate placed on record prima-facie also lends credence to their submission. The Constitutional Courts under our framework are empowered to pass orders to protect the citizens specially in the cases of the nature to which the present dispute pertains. Once two adults consent to live together as husband and wife there can be perceivably no interference in their lives from third parties, including their family. Our Constitution ensures it too. It is not only the duty of the State but also its machinery and the agencies which ensure law and order to ensure that no harm comes to the citizens of this country.

12. In view of the above, it is directed the police officials shall respond immediately in case of any call received from either petitioners regarding any incident of emergency or threat. The beat officer(s) of the concerned area shall visit the residence once in two days only for the next three weeks to ensure the safety of the petitioners.

13. With these observations the petition stands disposed of along with pending application(s).

14. A copy of this order be given *dasti* under the signatures of the Court Master.

TUSHAR RAO GEDELA , J.

JULY 13, 2022/DU