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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE N.S. DHANIK

Writ Petition (CRL) No. 2254 of 2021

16TH DECEMBER, 2021

Mr. Vikas Anand, the learned counsel for the petitioners.

Mr. J.S. Virk, the learned Deputy Advocate General with Mr. R.K. Joshi, learned Brief Holder for the State of Uttarakhand.

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

The petitioners, Mr. Rohit Sagar and Mr. Mohit Goyal, have filed the present writ petition, inter alia, on the ground that since they had fallen in love with each other, both of them are in a live-in relationship and have decided to live together for whole life. According to the Aadhaar Cards, both the petitioners were major. However, the respondent Nos. 4 to 8, who are the parents of petitioner Nos. 1 and 2, never gave acceptance to this relationship. It is stated that respondent Nos. 4 to 8 are continuously threatening both the petitioners with dire consequences. Despite the fact that on 14.12.2021, the petitioners had submitted a representation to the Senior Superintendent of Police, District Udham Singh Nagar and the S.H.O., P.S.

Rudrapur, no action has been taken by him for protecting the lives and property of both the petitioners. 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. 4 to 8 are opposed to the marriage, they 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 Senior Superintendent of Police, 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, despite the opposition voiced by the family members. Therefore, the respondent nos. 4 to 8 should not be permitted to threaten or to hurt the petitioners.

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4. Hence, this Court directs the respondent no. 2, the Senior Superintendent of Police, 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.4 to 8. Rule made returnable within four weeks.
6. 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.
7. List this case after four weeks.

RAGHVENDRA SINGH CHAUHAN, C.J.

N.S. DHANIK, J.

Dt: 16th December, 2021
NISHANT