



2026:AHC:128752

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23736 of 2026

Khushboo And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rahul Kumar Gupta, Subhash Chandra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 73

HON'BLE SIDDHARTH NANDAN, J.

1. Heard learned counsel for the petitioners and Sri Rishi Kumar learned A.C.S.C. for the State-respondents.

2. The present writ petition has been filed with the following prayers:

“(i) Issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in the peaceful conjugal life and personal liberty of the petitioners.”

3. Learned counsel for the petitioners submits that both the petitioners are major and though there was objection to the marriage between the petitioners, by their family members, they got married on 10.4.2004. However, the family members are continuously harassing the petitioners and interfering in their matrimonial accord; and therefore, they have filed the present writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking protection of their life and liberty, as enshrined under Article 21 of the Constitution of India.

4. In the case of ***Gian Devi Vs. Superintendent Nari Niketan Delhi and Others, reported in 1976 3 SCC 234***, a three-Judges Bench of the Apex Court had held that if a girl is major, then no fetter can be placed upon her choice of the person, with whom she is to stay nor any restrictions can be imposed regarding the place where she should stay; and if she is more than 18 years of age, she is *sui juris*. The relatives cannot substitute their opinion or preference, for that of the petitioner in such a matter.

5. In the case of ***Lata Singh vs. State of U.P., reported in 2006 5 SCC 475***, the Apex Court also considered and welcome the inter-caste marriages and held that once a person becomes major, he or she can marry whoever he/she likes.

6. The said judgment was also upheld by the three-Judges Bench of the Supreme Court in the case of ***S. Khushboo Vs. Kanniamal and Another, reported in 2010 5 SCC 600***; and held that a major girl is free to marry anyone she likes or “live with anyone she likes”.

7. The Court also observed that the notion of social morality are inherently subjective and the criminal law cannot be used as a means to unduly interfere with the domain of personal autonomy. Morality or criminality are not coextensive (***Ref: Nand Kumar and Another Vs. State of Kerala and Others, reported in 2018 16 SCC 602***).

8. In the facts of the case, it is evident that both the petitioners are major and the affidavit filed along with the present writ petition is by way of joint affidavit of the petitioners and the learned Standing Counsel representing the State, also does not dispute the factum that both the petitioners are major; and as such the present writ petition is being disposed off at the admission stage itself; but however if any facts stated in the affidavit filed along with present writ petition is found to be incorrect, it shall be open to the respondents to file a recall application.

9. Accordingly, the present writ petition is disposed off with the consent of the parties, with the following directions.

(i) The petitioners are at liberty to live together and in case any person interferes in their matrimonial life or peaceful living, the petitioners shall approach the concerned Senior Superintendent of Police or Superintendent of Police, with a certified copy of this order, who shall provide immediate protection to the petitioners, without any delay.

(ii) In view of the fact that as per the submission of the learned counsel for the petitioners, no F.I.R. or complaint has been lodged, it is made clear that this order in no way expresses opinion about the validity of the marriage or the genuineness of the marriage certificate, if any.

10. With the aforesaid observation and direction, the writ petition stands *disposed off*.

(Siddharth Nandan,J.)

June 22, 2026
Kumar Manish