



2026:AHC:54466

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5923 of 2026

Nikita Shivprasad Diwakar And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajeev Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the petitioners and Sri Arvind Kumar Singh, learned Standing Counsel for the State respondents.

2. By means of the present writ petition, the petitioners have prayed for a writ in the nature of mandamus directing the respondents not to interfere in their peaceful marital life and also for a direction to provide protection.

3. Pursuant to earlier order dated 13.02.2026, learned Standing Counsel has produced instructions, which are taken on record. Based on instructions, it is submitted by learned Standing Counsel that no FIR was lodged against the petitioners and the petitioners are living within the territorial jurisdiction of this Court.

4. Learned counsel for the petitioners submits that petitioners are major and have solemnized their marriage on 28.01.2026 as per rites and customs. He further submits that this is their first marriage. It is further asserted that no FIR has been registered against them in respect of the same and that their marriage was solemnized with their free consent without duress on any party. It is further alleged that petitioners are being threatened and harassed by respondents for reason of having thus got married.

5. In **Lata Singh vs. State of UP 2006 Cr.L.J. 3309**, while dealing with a case of harassment by the parents of the boy and girl, who had entered into inter-caste marriage, Hon'ble Supreme Court has issued directions to the Administration/Police authorities throughout the country in the

following terms:-

"This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

6. In **Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396** Hon'ble Supreme Court held in paragraph 28 and 29 as under:-

"28. Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. We have held in Lata Singh case that there is nothing "honourable" in "honour" killings, and they are nothing but barbaric and brutal murders by bigoted persons with feudal minds. In our opinion honour killings, for whatever reason, come within the category of the rarest of rare cases deserving death punishment. It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilised behavior. All persons who are planning to perpetrate "honour" killings should know that the gallows await them.

29. Let a copy of this judgment be sent to the Registrars General/ Registrars of all the High Courts who shall circulate the same to all the Judges of the Courts. The Registrars General/ Registrars of the High Courts will also circulate copies of the same to all the Sessions Judges/ Additional Sessions Judges in the States/Union Territories. Copies of the judgment shall also be sent to all the Chief Secretaries/ Home Secretaries/

Directors General of Police of all States/ Union Territories in the country.

The Home Secretaries and Directors General of Police will circulate the same to all SSPs/SPs in the States/Union Territories for information."

7. It is contended by learned Standing Counsel that the above observations and directions issued by the Supreme Court are being enforced in the State of U.P. and that no further direction is required to be issued by this Court at this stage as it is a mere apprehension of the petitioners that the private respondents may commit some act of violence and or harass the petitioners.

8. Considering the facts and circumstances of the case, but without prejudice to the merits of the case, the writ petition is finally disposed off with the direction that the petitioners are at liberty to live together being a married couple and no person shall be permitted to interfere in their peaceful living. In case, any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the Senior Superintendent of Police or Superintendent of Police concerned with a copy of this order, who will examine the matter and shall provide immediate protection to the petitioners. The Police authority shall also ensure that an innocent person should not be harassed or humiliated if he / she has not caused any hindrance in peaceful married life of the petitioners.

9. It is also directed to the petitioners that the marriage dated 28.01.2026 shall be registered within two months from today, in accordance with the provisions of U.P. Marriage Registration Rules, 2017 and if the petitioners fail to get the marriage registered within stipulated time the protection granted herein would cease to operate.

10. However, it is made clear that this court has not adjudicated the validity of the marriage and/or genuineness of their marriage certificate claimed by the petitioners or the correct age of the petitioners. It is further clarified, this order has not been passed to protect the petitioners against any action or proceedings instituted in accordance with law.

11. Since the petition is being disposed of in limine, any person aggrieved by it is at liberty to apply for its recall, if the order has been obtained by suppression or concealment of facts or on false averments.

12. However, this order would not come in way of investigation, if any, pending before the police authorities.
13. The writ petition is **disposed of** accordingly with above observations.

(Vivek Kumar Singh,J.)

March 17, 2026

Radhika