



2026:AHC-LKO:22053-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 2767 of 2026

Vineeta Bharti And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home Lko
And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Kumar Tiwari
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.
2. In view of the order proposed to be passed, notice to opposite parties no.4 & 5 is dispensed with.
3. Instant writ petition has been filed seeking a writ of mandamus directing the respondents authorities to provide protection to the petitioners so that the life and liberty of the petitioners could be safe along with a further prayer to restrain the opposite parties no. 4 & 5 not to disturb the peaceful life of the petitioners.
4. The contention of learned counsel for the petitioners is that both the petitioners are major and they have married each other on their own volition on 16.01.2026 in a temple at Lucknow. In support of petitioners being major, they have annexed their High School Marksheets. It is contended that opposite parties no.4 & 5 are not happy with the marriage and as such they are creating hindrance in the peaceful married life of the petitioners. Learned counsel has further stated that no First Information Report has been registered against the petitioners in this regard.
5. In this regard, it would be apt to refer to the judgment of of the Hon'ble

Supreme Court in the case of ***Lata Singh Vs. State of U.P. and another-2006 (5) SCC 475***, wherein the Apex Court in para-17 has observed as under:-

"17. 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 is not harassed by anyone nor subjected to threats or acts of violence, and anyone 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. Learned A.G.A. states that the marriage certificate which has been annexed by the petitioners cannot be said to be a valid marriage certificate as the same has been issued by a Gram Udyog Sewa Samiti.

7. Learned counsel for the petitioners submits that though the marriage certificate of the petitioners is disputed but the petitioners are presently living together.

8. In this regard, it would be apt to refer the judgment of Hon'ble Supreme Court in the case of ***Nandkumar & Anr vs State of Kerala & Ors : (2018) 16 SCC 602***, wherein the Apex Court has observed as under:-

"10. For our purposes, it is sufficient to note that both Appellant 1 and Thushara are major. Even if they were not competent to enter into wedlock (which position itself is disputed), they have right to live together even outside wedlock. It would not be out of place to mention that live-in relationship is now recognised by the legislature itself which has found its place under the provisions of the Protection of Women from

Domestic Violence Act, 2005."

9. Considering the aforesaid, the writ petition is ***disposed of*** with a direction to the opposite parties not to interfere in peaceful life and liberty of the petitioners in any manner.

10. It is made clear that if any F.I.R. is already registered on the issue, the order passed by this Court shall automatically stand discharged.

11. It is however made clear that this Court has not entered into nor adjudicated the age of the petitioners nor veracity/validity of the live-in relation/marriage.

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)

March 30, 2026

prateek