

# Smt. Deepali & Anr vs State Of Nct Of Delhi & Anr on 16 October, 2023

**Author: Tushar Rao Gedela**

**Bench: Tushar Rao Gedela**

\$~60

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(CRL) 3016/2023, CRL.M.A. 28098/2023  
SMT. DEEPALI & ANR.

STATE OF NCT OF DELHI & ANR

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% 16.10.2023 [The proceeding has been conducted through Hybrid mode]

1. This is a petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., 1973 seeking issuance of writ/ direction in the nature of mandamus directing the State to provide protection to the petitioners, who got married against the wishes of their parents.

2. Mr. Amit Sharma, learned counsel appearing for the petitioners submits that this Court had by the order dated 02.08.2023 quashed an FIR No. 266/2021 dated 27.07.2021 under Sections 354/506/509 IPC, 1860 registered with PS- Jagat Puri, which was registered on the complaint filed by the petitioner No.1 herein against the petitioner No.2 herein.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/10/2023 at 21:30:47

3. The same was quashed vide the aforesaid order on the statement of petitioner No.1 that she was forced by her own family members to file such an FIR on false and frivolous grounds.

4. Learned counsel submits that during the pendency of the FIR No. 266/2021, the petitioners got married on 05.04.2023 and they are co-habiting together happily since then.

5. It is also submitted by learned counsel for the petitioners that subsequent to the quashing of the FIR No.266/2021 by this Court vide the order dated 02.08.2023, the threats from the family members, particularly the mother of the petitioner No.1 have incessantly continued till date.

6. Mr. Khatri, learned ASC (Criminal) for GNCT of Delhi, on instructions, submits that the respondents i.e., the parents and other family members of the petitioner No.1 have written a letter to the I.O., wherein they have assured that they will not harm either of the petitioners.

7. Mr. Khatri, learned ASC further submits that as per the directions of this Court, the State would provide adequate protection to the petitioners.

8. Mr. Amit Sharma, learned counsel for the petitioners submits that the letter given by the parents and other family members of the petitioner No.1 to the I.O./SHO assuring of no harm, is a facade, inasmuch as the threats, particularly by the mother, have continued subsequent thereto, also.

9. This Court has heard the submissions of Mr. Sharma, learned counsel for the petitioners as also of Mr. Khatri, learned ASC for the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/10/2023 at 21:30:47 State.

10. The right of the petitioners to marry a person of their own choice is indelible and protected under the Constitution, which cannot be diluted in any manner whatsoever. Equally, the State is under a constitutional obligation to provide protection to its citizens.

11. There is no doubt about the factum of marriage between the petitioners and the fact that they are major. No one, not even the family members can object to such relation or to the matrimonial ties between the petitioners.

12. This Court being a Constitutional Court is also expected to further the constitutional rights of the petitioners.

13. In that view of the matter, the Court directs the State to provide protection to both the petitioners and ensure that no harm befalls either of them, particularly, from the parents or the family members of the petitioner No.1.

14. The I.O. shall provide the contact details of the SHO and the I.O., as also of the Beat Officer of the area, where the petitioners are residing. In case the petitioners have shifted to a place other than the one shown in the memo of parties, the I.O. shall intimate the said SHO of the concerned Police Station having territorial jurisdiction over the residential address of the petitioners, who shall comply with the present order in letter and spirit.

15. Let the Beat Officer call upon the petitioners before 9:00 AM and after 6:00 PM everyday for the next two months to ensure that both of them are un-harmed.

16. The petitioners shall disclose their present residential address as This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/10/2023 at 21:30:48 well as working address to the I.O., who shall not disclose the same to any unauthorised person.

17. In view of the above, the petition along with pending application is disposed of.

TUSHAR RAO GEDELA, J OCTOBER 16, 2023/nd This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/10/2023 at 21:30:48