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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2305/2025**

MOHAMMAD SHAHNOOR MANSOORIPetitioner

Through: Mr. Utkarsh Singh and Mr. Mayank
Gupta, Advocates.

versus

**STATE OF DELHI THROUGH COMMISSIONER OF POLICE &
ANR.**Respondents

Through: Mr. Rahul Tyagi, ASC with Mr.
Karan Grover, Mr. Priyansh Raj
Singh Senger and Mr. Aniket Kumar
Singh, Advocates for the State.
Insp. Jeet Singh, SHO/ Sarita Vihar.
Mr. Shivank Pratap Singh, Ms. Priya
Singh and Mr. Samyak Jain,
Advocates for Applicant.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
08.08.2025

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1. The parties before the Court are a young couple, Ms. 'X', a Hindu and the Petitioner, a Muslim, who have chosen to enter into an inter-faith marriage. They state that their relationship, spanning over seven years, is founded on mutual respect, affection, and trust. Having decided to formalise their bond in law, they now face strong opposition from Ms. 'X''s family, particularly her father, who objects to the relationship on personal and religious grounds. According to Ms. 'X', the opposition has gone beyond mere disapproval, manifesting in explicit threats to the safety of the couple

and attempts to prevent the intended marriage. They assert a reasonable apprehension of physical harm and social coercion, and seek the Court's intervention to ensure that they may exercise their constitutional right to choose a life partner free from fear. The present petition raises a question at the very heart of individual liberty under our Constitution, namely, the right of an adult to choose a life partner, irrespective of faith, with the Petitioner and Ms. 'X' seeking protection for their life and liberty on account of a genuine apprehension of harm arising from opposition to their relationship.

2. In compliance with the order dated 25th July, 2025, the State has filed a status report confirming that the petitioner, along with Ms. 'X', is currently residing in a safe house. The report further records that Ms. 'X', aged 25 years, is a major and thus legally entitled to make her own decisions regarding marriage under Indian law. She is well-educated, holding degrees in M.Sc. and B.Ed., along with an O-Level Computer Course certification, and is fully conscious of her rights and the implications of her choices. Her intention to marry the petitioner has been verified as firm, consistent, and of her own volition.

3. The Court also heard Mr. Shivank Pratap Singh, counsel appearing for the father of Ms. 'X'. Mr. Singh contests the claims made in the present petition and argues that the father's concern stems from genuine apprehensions for his daughter's well-being. It is urged that the father is deeply troubled by the fact that such a significant decision, relating to the choice of life partner and marriage, was taken without his consultation. Counsel emphasises that his client harbours no intention of causing any threat or harm to his daughter; his desire is only that she return home and take an informed decision after due reflection. Mr. Singh also apprises the

Court that the father of Ms. 'X' is presently hospitalized.

4. In the Court's view, the father's objection arises from his personal values and his perception of what would best serve his daughter's welfare. Nonetheless, since there had been no recent interaction between Ms. 'X' and her father, and acknowledging the father's concern for her safety, the Court considered it appropriate to facilitate some communication between them. Accordingly, during the pre-lunch session, the Court suggested that Ms. 'X' have a telephonic conversation with her father, with a view to reassuring him of her well-being and perhaps easing the tension between them. Ms. 'X' readily agreed to the suggestion and, during lunch, spoke to her father. However, when the matter was taken up in the post-lunch session, she informed the Court that the exchange had not unfolded constructively. According to her, the conversation left her feeling emotionally pressured, and she perceived certain remarks as amounting to veiled threats. While the Court refrains from adjudicating upon the subjective impressions arising from such an interaction, it remains mindful that any protection extended by the State must be effective and free from influences that may compromise the couple's sense of security or autonomy.

5. The plea of the couple is not for the Court's endorsement of their personal choice, but for the State's assurance that such choice may be exercised without fear. Nonetheless, the Court engaged in a detailed and candid interaction with Ms. 'X', not with the object of judging her choice of partner, but to satisfy itself that her decision is informed, voluntary, and free from coercion. The Court's queries were directed towards understanding her present circumstances, her awareness of the consequences of her choice, and the degree of thought she has given to her future. In response, Ms. 'X'

unequivocally affirmed her intention to marry the Petitioner. She conveyed her decision to the Court with clarity, composure, and consistency, leaving no room for doubt as to its firmness. She stated that the relationship between them has endured for the past seven years, during which they have known each other closely. She also confirmed that they have already initiated the legal process for registration of their marriage under the Special Marriage Act, 1954. A copy of their application for registration, placed on record by counsel for the Petitioner, has been duly noted. Thus, it appears that both individuals are well-educated, and their decision to formalise their relationship has been deliberate, rather than impulsive.

6. Article 21 of the Constitution guarantees to every individual the right to life and personal liberty, a guarantee that has been judicially recognised to encompass the freedom to marry a person of one's choice. The role of the State in this context is neither passive nor discretionary; it carries a positive obligation to safeguard the life and liberty of its citizens, even when such protection is sought against the wishes of their own families.

7. The Court is mindful of the anguish of the girl's father, who opposes the relationship on grounds that he perceives as legitimate and rooted in his concern for his daughter's welfare. However, upon attaining the age of majority, the right to make decisions regarding marriage becomes the individual's personal prerogative. Parental preference, however well-intentioned, cannot legally override that autonomy. The dilemma before the Court, therefore, is not to rule on the moral or social acceptability of the relationship, but to ensure that the couple's constitutional right to choose their life partner is meaningfully protected.

8. The Supreme Court has unequivocally recognised that the right of

consenting adults to choose their life partner is a fundamental facet of personal liberty under Article 21. That right cannot be rendered illusory by fear, coercion, or social disapproval. It follows that the State's protective machinery must be activated promptly and effectively, ensuring that the choice of an adult citizen, made freely and within the bounds of law, is preserved in substance and not merely in form.

9. In view of the above circumstances, and taking into consideration that the Couple have submitted their application for marriage under the Special Marriage Act, 1954, the petition is disposed of with the following directions:

9.1. The State shall ensure continued protection to the Petitioner and Ms. 'X' until such time as they solemnize their marriage under the Special Marriage Act, 1954.

9.2. The Petitioners shall continue to be accommodated in a safe house for as long as deemed necessary to safeguard their life and liberty. The threat perception shall be assessed periodically and meaningfully by the concerned DCP, keeping in mind the principles and preventive measures outlined by the Supreme Court in *Shakti Vahini v. Union of India*, (2018) 7 SCC 192.

9.3. In the event of any coercive, intimidating, or threatening act, whether direct or indirect, by any person, including family members of Ms. 'X', such incident, upon being reported to the police, shall be promptly recorded in the DD, and appropriate preventive and penal measures shall be taken forthwith in accordance with law. The police shall also keep the petitioners informed of any action taken, so as to ensure their confidence in the protective process.

10. Before parting, it must be emphasised that the constitutional guarantee under Article 21 enables every adult citizen may shape the course of their

own life, free from fear, coercion, or unlawful restraint. The choice to marry, especially across lines of faith, may test the resilience of social norms and familial expectations, yet in law, it remains a matter of personal liberty and individual autonomy, immune from any external veto. While the anguish of a parent is understandable, it cannot eclipse the rights of a major to select their life partner. The State's role, therefore, is not confined to the passive avoidance of harm, but extends to the creation of conditions in which such rights can be safely and meaningfully exercised. The directions issued herein are thus intended to ensure that this freedom remains both real and protected.

11. Accordingly, the petition along with pending application(s), if any, are disposed of.

12. Nonetheless, the Court finds it imperative to address a matter of serious concern. In her affidavit, Ms. 'X' has averred that when she first approached the police for protection, she was separated from the Petitioner against her will and taken to a women's shelter home. She further asserts that, while lodged there, she was denied access to her mobile phone. It was in this state of distress that couple sought legal assistance and the Petitioner filed the present petition. In response, the DCP has placed on record a report asserting that no coercion, unlawful separation, or procedural irregularity occurred at any stage. This version, however, stands in direct conflict with the account provided by Ms. 'X', who has narrated before this Court her experience of being compelled to part from her partner and placed in a shelter home against her wishes.

13. In these circumstances, it appears that Ms. 'X's version of events has not been fully examined. The DCP is, therefore, directed to record her

statement specifically on this aspect and to submit a report clearly indicating whether any unlawful separation took place and, if so, identifying the officers responsible.

14. The DCP shall further submit a status report regarding the current functioning of the dedicated helpline mandated by the Supreme Court in *Shakti Vahini* (supra), including details of its accessibility, responsiveness, and any protective action taken in the past six months.

15. List for further consideration of the report, and for passing appropriate orders, on 12th September, 2025.

SANJEEV NARULA, J

AUGUST 8, 2025

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