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

CNR No. DLHC010372272026

+ **W.P.(CRL) 2429/2026**

UMA BHARTI & ANR.

.....Petitioners

Through: Mohd. Yusuf and Ms. Sulekha,
Advs.

versus

THE GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC with Ms.
Priya Rai, Mr. Shubham Goyal, Mr.
Avinash Kumar Singh and Mr.
Priyansh Raj Singh, Advs.
SI- Rajesh Kumar, PS: Vijay Vihar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **13.08.2026**

CRL.M.A. 24599/2026 (*Exemption*)

1. Allowed, subject to all just exceptions.
2. The present application is disposed of.

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3. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners seek direction to respondent no.1 to provide protection to their lives and liberty against respondent nos.3 and 4.



4. At the outset, learned counsel for petitioners submits that the petitioners are consenting adults who have known each other since the year 2014 and they are now residing together having entered into a Live-in Relationship for a while now. He further submits that since the petitioners were/ are residing together, and they intend to marry each other on 01.08.2026, however since the respondent no.3, i.e., father and respondent no.4, i.e., real brother of petitioner no.1 were unhappy, they are constantly threatening the petitioners with violence, due to which they are apprehensive of grave harm being caused to them.

5. Learned counsel for the petitioners also submits that although the petitioners apprehending threat to their lives made a complaint to the concerned SHO on 06.08.2026, however, no action whatsoever has been taken by them till date. Thus, the fundamental right of the petitioners under *Article 21* of the Constitution of India is under jeopardy, and as such, they are entitled for protection.

6. Issue notice.

7. Learned ASC for the State accepts notice.

8. Since both petitioners are born in the years 1993 and 1990 respectively, they are consenting adults who have all rights to choose and reside with their respective partner(s) in a Live-In Relationship as per their individual choice/ desire with no interference from anyone. Further, as held by the Hon'ble Supreme Court in ***Nandakumar & Anr. vs. State of Kerala & Ors.:2018:INSC:383*** irrespective of the parties not having entered into a wedlock, as majors they have the unfettered right to reside with each other as they desire, be it in a Live-In Relationship. The same now has due sanctity in the eyes of law, and has even been recognised by



the legislature under provisions such as the Protection of Women from Domestic Violence Act, 2005.

9. The petitioners herein are though in a Live-In Relationship , are not legally married to each, however, being consenting adults, the same is akin to marriage, though not legally. And marriages in India are recognised if they are *inter-se* two consenting individuals, irrespective of the caste, creed, colour, religion and/ or faith. In such a scenario, both *Article 19* and *Article 21* of the Constitution of India guarantee fundamental rights to each of such parties in the form of their respective right to freedom and also their respective right to life and liberty. As held by the Hon'ble Supreme Court in ***Shafin Jahan vs. Asokan K.M.:(2018) 16 SCC 368***, curtailment of the same by societal morals and prejudices amounts to deprivation of one's very individualistic identity.

10. As such, since the petitioners have willingly, consensually and with utmost responsibility chosen to enter into a Live-In Relationship with each other, nobody, be it their parents/ relatives/ friends, have a right and/ or authority to cause any hinderance and/ or interfere with their choice thereof, much less threaten their life and/ or liberty.

11. Accordingly, the present petition is allowed and the petitioners shall be at liberty to contact either the SHO, PS: Vijay Vihar (+8750870329) or the Beat Constable Pardeep (+9812405659,) PS.: Vijay Vihar, if, as and when the need so arises, who shall provide all necessary assistance to the petitioners in accordance with law.

12. If the petitioners choose to reside within the jurisdiction of any other Police Station, they will apprise about the same and give the complete details including the address to the SHO of the concerned P.S. within a



period of *three days* from shifting. Needless to say, the concerned SHO and/ or Beat Constable of the concerned P.S. shall extend the aforesaid protection to the petitioners.

13. Accordingly, the present petition, alongwith the pending application, is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

AUGUST 13, 2026/Ab