

(2026) 01 UK CK 1938
In the Uttarakhand High Court
Case No : Writ Petition (CRL) No. 143 Of 2026

Roshni Bisht And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 16-01-2026

Acts Referred:

Citation : (2026) 01 UK CK 1938

Hon'ble Judges : Manoj Kumar Gupta, J; Ashish Naithani, J

Bench : Division Bench

Advocate : Susheel Kumar, J.S. Virk, Rakesh Kumar Joshi

Final Decision : Disposed Of

Judgement

Manoj Kumar Gupta, CJ

1. Heard learned counsel for the parties.
2. Petitioners have filed the instant Writ Petition seeking the following reliefs :
 - "a. Issue a writ order or direction in the nature of mandamus directing the respondent No.1 & 2 to provide adequate protection to the petitioners from respondents No.3 & 4, so that they may live peaceful life.
 - b. Issue a suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.
 - c. Award the cost of the petition to the petitioners."
3. Petitioners have annexed documents to show that they are major and have married each other out of their own sweet will.
4. In case, where criminal case is lodged by the parents of the girl alleging that she is a minor, or she has been kidnapped for immoral purposes, police has a duty to investigate the case seriously so that no crime is committed against the minor girl, but in other situation, where the girl is adult and has chosen to live as

wife with another adult, the police is required to give due protection and ensure that no harm is caused to such young couple only because the parents do not approve the decision of their children to marry as per their choice, although the children have become adults.

5. Disposal of Writ Petition in such a case should not be construed as grant of certificate by this Court that the alleged marriage is valid and in accordance with law, but nonetheless where the girl and boy are adults and they are living together, the police must give due protection, after making inquiry in respect of the claim of their age. Once the girl and boy are found to be adults, the police, as well as the civil society has to ensure that they are not put to fear of their lives or liberty.

6. As in the present case, both the petitioners have claimed to be adults, and married each other out of their own sweet will, the Writ Petition is disposed of with liberty to the petitioners to approach the concerned Superintendent of Police with a copy of this order, so that the petitioners are not threatened or tortured by any person, even if they happen to be the parents of the petitioners.

7. The instant order is being passed upon the representation made by the petitioners that no First Information Report has been lodged in respect of kidnapping or abduction of the girl, including any other offence arising out of such kidnapping or abduction. If any such First Information Report has already been lodged against the petitioners, this order will become inoperative.

8. Pending application(s), if any, stand disposed of accordingly.