

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 620/2026

1. Khushi Sharma D/o Brajendra Sharma W/o Naresh Sharma, Aged About 21 Years, R/o Bhonpura, Morena, Madhya Pradesh, Presently R/o Dagarpur, Dholpur.
2. Naresh Sharma S/o Dinesh Chand, Aged About 28 Years, R/o Dagarpur, Dholpur.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Superintendent Of Police, Dholpur.
3. SHO, Police Station Sadar Dholpur, District Dholpur.
4. Brajendra Sharma S/o Bhagwati Prasad, R/o Bhonpura, Morena, Madhya Pradesh
5. Prem Kishore Sharma S/o Bhagwati Prasad, R/o Bhonpura, Morena, Madhya Pradesh
6. Nand Kishore Sharma S/o Bhagwati Prasad, R/o Bhonpura, Morena, Madhya Pradesh
7. Ram Bharat Sharma S/o Bhagwati Prasad, R/o Bhonpura, Morena, Madhya Pradesh
8. Gopal S/o Brajendra Sharma, R/o Bhonpura, Morena, Madhya Pradesh

----Respondents

For Petitioner(s)	:	Mr. Ankur Singh Tomar
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, P.P. with Mr. Shubham Saini

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

07/05/2026

1. The defects as pointed out by the Registry are over-ruled.
2. Both the petitioners who are present in-person before this Court are major and in support of their date of birth, copies of

Aadhar Cards of both the petitioners is available on record as Annexure No.1 and 2 and copy of Class X Marksheet of petitioner No.1 is available on record as Annexure No.3.

3. Petitioners have also been duly identified by their counsel.

4. By virtue of the present criminal writ petition filed under Article 226 of the Constitution of India, the petitioners have sought protection of their life and personal liberty from private respondent Nos.4 to 8, as they are apprehending danger to their life and liberty from the said private respondents.

5. Learned counsel for petitioners submits that the petitioners have already been married and the said marriage was solemnized on 07.06.2025, however, on account of certain misunderstandings, petitioner No.1 went back to her maternal house, though, subsequently an application under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as '**the Act of 1955**') was filed for restitution of conjugal rights on 22.01.2026, which came to be allowed in terms of the compromise recorded before the Lok Adalat on 14.03.2026, but the private respondents and others are not happy with their marriage and the petitioners are receiving continuous threats. Certified copy of the ordersheet dated 14.03.2026 along with the copy of application dated 22.01.2026 filed under Section 9 of the Act of 1955 submitted before this court are taken on record.

6. Learned counsel for the petitioners submits that both the petitioners are major and are mature enough to take independent decision of their life.

7. Learned counsel for the petitioners further submits that once the petitioners have willingly and with utmost responsibility have

chosen to solemnize their marriage, the private respondents have no right to harass, much less threaten the petitioners and take law in their hands and given the fact that the life and liberty of the petitioners is in danger, police protection deserves to be granted to the petitioners and hence, protection is being sought.

8. Learned Public Prosecutor submits that appropriate directions be issued.

9. As the order intended to be passed herein is non-prejudicial to the private respondents, no notices are required to be issued to them.

10. It is a well settled legal position as expounded by the Hon'ble Supreme Court of India in ***Lata Singh Vs. State of UP*** reported in ***(2006) 5 SCC 475***, ***Shakti Vahini Vs. Union of India*** reported in ***(2018) 7 SCC 1992*** and ***Shafin Jahan vs. Asokan KM & Ors.*** reported in ***(2018) 16 SCC 368***, that the right of two consenting adults to marry a person of their choice is a fundamental right under Articles 19 and 21 of the Constitution of India. It has been consistently held that the autonomy of individuals in matters of marriage and personal relations cannot be curtailed by societal or familial considerations, and once two major individuals have taken a conscious decision to enter into a matrimonial alliance, the same cannot be interfered with on the basis of perceived notions of morality or social acceptability. Thus, the life and personal liberty of such individuals is required to be protected, except in accordance with the procedure established by law, as mandated under Article 21 of the Constitution of India.

11. In view of the above legal position and factual averments, after perusing record and considering the submissions made, as the

petitioners apprehend threat to their life and liberty, this Court is of the considered view that the petitioners have every right to seek protection of their life, limb and liberty.

12. Accordingly, this Court is inclined to dispose of the present criminal writ petition with the directions to the petitioners to file an appropriate application seeking protection before respondent No.3 – Station House Officer, Police Station Sadar Dholpur, District Dholpur (Rajasthan), who is directed to duly consider grievance of the petitioners and after analyzing the threat perceptions, will take all possible preventive measures and other steps as required to ensure safety and security of the petitioners and that no harm is caused to them.

13. With the said directions, the present criminal writ petition and pending application(s), if any, stands disposed of.

14. However, as a precautionary note, it is clarified that this order shall not affect any civil and/or criminal proceedings, if any, and the same shall proceed in accordance with law.

(ANUROOP SINGHI),J