IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (DIRECTION - POLICE PROTECTION) NO. 16022 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

==========

Approved for Reporting	Yes	No

==========

JIGNABEN D/O UDESHIBHAI CHAUDHRI & ANR.
Versus
STATE OF GUJARAT & ORS.

==========

Appearance:
MS NILAM N CHAUHAN(6635) for the Applicant(s) No. 1,2
MS JYOTI BHATT, APP for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**

Date : 06/11/2026

JUDGMENT

1. Issue rule returnable forthwith. Learned APP accepts rule on behalf of respondent no.1 and waives service.

2. By way of preferring the present petition under Articles 14, 19, 21 and 226 of the Constitution of India and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners herein prayed for seeking the following reliefs as enumerated in para 15 of the petition:-

"(A) YOUR LORDSHIP may be pleased to issue a writ of mandamus or

Uploaded by MR.HARSHIT SANCHETI (HCD0070) on Sat Nov 07 2026 Downloaded on : Sun Nov 08 00:04:16 IST 2026

certiorari or a writ in the nature of mandamus or certiorari or any other appropriate writ, order of direction directing the respondent No. 1 to No. 4 to provide appropriate police protection to the petitioners and be further pleased to direct them to take immediate, appropriate steps against the private respondent who is threatening, harassing and pressurizing the petitioner.

(B) YOUR LORDSHIPS may be pleased to Direct Respondents not to harass the Petitioners or summon them to the police station, and restrained from taking any coercive action against petitioners without following due process of law.

(C) Pending admission, hearing and final disposal of the present petition YOUR LORDSHIPS may be pleased to direct the respondent No. 1 to No. 4 to provide appropriate police protection to the petitioners and restrained respondents from taking any coercive action against petitioners.

(D) YOUR LORDSHIPS may be pleased to pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case."

3. Heard learned counsels for the parties.

4. At the outset, learned counsel for the petitioners submitted that the both the petitioners are major. He submitted that the petitioner no.1 is aged about 26 years, while the petitioner no.2 is aged about 30 years. In support of her contention, learned counsel for the petitioners has placed the reliance upon the copy of Aadhar cards placed at Annexure-A. She further submitted that both the petitioners got married and the marriage was also registered with the competent authority as per The Gujarat Registration of Marriages Act, 2006. She also drawn the

Uploaded by MR.HARSHIT SANCHETI (HCD0070) on Sat Nov 07 2026 Downloaded on : Sun Nov 08 00:04:16 IST 2026

attention of this Court to the marriage certificate placed at Annexure-B. She further submitted that pursuant to a complaint, a Janva Jog entry came to be registered with the police and on the basis of the said entry, the petitioners are allegedly being harassed by respondent nos.2 to 4. She further submitted that the person who was the witness of the marriage was also arrested by the police and was subsequently released. She submitted that the respondents may be directed not to harass petitioners as both the petitioners have got married by their free consent and will. In support of her contention, learned counsel for the petitioner has placed the reliance upon the judgment rendered by the Hon'ble Apex Court in case of ***Lata Singh Vs. State of U.P. & Anr.,*** reported in (2006) 5 SCC 475 and ***Shakti Vahini Vs. Union of India,*** reported in (2018) 7 SCC 192. Having placed the reliance upon the aforesaid judgments, learned counsel for the petitioners submitted that the present petition deserves to be allowed.

5. Learned APP seeks time to take appropriate instructions.

6. Having considered the material placed on record, there is no iota of doubt that both the petitioners are major. The date of birth of petitioner no.1 is 01.01.2001, while the date of birth of petitioner no.2 is 01.06.1996 as reveals from the copy of Aadhar cards placed on record. Therefore, both the petitioners are major. They can get married as per their own will and wish. The marriage certificate placed on record would show that both the petitioners got married on 26.10.2026 and the marriage is duly registered with the competent authority. In view of the fact that both the petitioners are major and have solemnized their marriage out of their own free will and consent, they have a right to lead their lives as per their own choice. In view of the ratio laid down by the

Uploaded by MR.HARSHIT SANCHETI (HCD0070) on Sat Nov 07 2026 Downloaded on : Sun Nov 08 00:04:16 IST 2026

Hon'ble Apex Court in case of Lata Singh (supra) and Shakti Vahini (supra), the present petition deserves to be allowed and accordingly, the respondents are directed not to interfere with the personal lives of the petitioners or create any obstruction in their marital life.

7. In view of the above directions, the captioned petition stands allowed. Rule is made absolute to the aforesaid extent.

(MOOL CHAND TYAGI, J)

Harshit

Uploaded by MR.HARSHIT SANCHETI (HCD0070) on Sat Nov 07 2026 Downloaded on : Sun Nov 08 00:04:16 IST 2026