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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6138 OF 2026

Z[redacted] S[redacted]
@ [redacted] ...Petitioner

Versus

State Of Maharashtra & Ors. ...Respondents

Mr. R. K. Mendadkar a/w Mr. Jagdish Kawale, Mr. Siddhant S. for Petitioner.
Mr. Shreekant Gawand, APP for State.
Z[redacted] S[redacted] @ [redacted], Petitioner present.

CORAM : ADVAIT M. SETHNA &
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 9th NOVEMBER 2026.
(VACATION COURT)

P.C.

1. Heard learned Counsel for the parties.

2. The Petition is moved before the Vacation Court on the ground of extreme urgency by way of preacipe filed on 7th November 2026. It is stated that the Petitioner is a Hindu girl adult / major aged 21 years, married to a Muslim boy adult / major aged 21 years. They had been in a long lasting relationship since last 4 to 5 years known to the parents of both the sides.

3. On 19th October 2026, they got married, soon thereafter, they went to the police station to inform about the said marriage and seeking protection as the Petitioner apprehended that her parents would wage a war against, her as stated or pleadings. However, the Respondent No.3, Dharavai Police

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Station refused to take any steps. The parents of the Petitioner, as alleged, forcibly took the Petitioner to Uttar Pradesh. However, the Petitioner returned to Mumbai and she has been directed to seek police protection so that she can reside in her matrimonial home. It appears that on 4th November 2026 the matter was moved before the Regular Court, when the Regular Court was pleased to grant liberty to the Petitioner to move before the Vacation Court. In such factual backdrop the parties are before us.

4. Upon a query raised by this Court with regard to the age of the Petitioner, Mr. Mendadkar, Ld. Counsel for the Petitioner on instruction state that presently the Petitioner is aged 21 years. In other words, she is an adult/ major capable much less competent of taking a conscious decision and also making an informed choice. In this context, Mr. Mendadkar would place reliance on the decision of the Hon'ble Supreme Court in ***Shafin Jahan Vs. Asokan K. M. & Ors.***[1]. The Hon'ble Supreme Court has held that right to marry a person of one's choice is an integral part of Article 21 of the Constitution of India. A person has complete freedom to choose life partner of any faith, belief, religion, caste etc. Such legal position is not disputed. We are in complete agreement with the said decision cited before us.

5. In view of the aforesaid legal position, we are of the considered opinion that the Petitioner, being a major and an adult, is at complete liberty to exercise her choice and right to choose her life partner and take an appropriate decision in that regard without any force or being influenced by

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1 (2018) 16 Supreme Court Cases 368.

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any pressure, whatsoever. Mr. Mendadkar has expressed certain apprehension regarding the conduct of the police authorities. At this stage, we do not deem it appropriate to make any observations in this regard. Needless to mention that the police authorities would act within the four corners of and strictly in accordance with law.

6. In view of the above, and with the consent of the Ld. Counsel appearing for the Petitioner, the Petition stands Disposed Of.

(RANJITSINHA RAJA BHONSALE, J.) (ADVAIT M. SETHNA, J.)

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