



CONSTITUTIONAL LAW

FAMILY LAW

Delhi High Court Reaffirms the Right of Consenting Adults to Live-In Relationships Free from Familial Interference

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The Delhi High Court, in **Uma Bharti & Anr. v. The Government of NCT of Delhi & Ors. [W.P.(CRL) 2429/2026]**, directed local police to protect a live-in couple whose relationship was opposed by the woman's father and brother. The order, passed by Hon'ble Mr. Justice Saurabh Banerjee on 13.08.2026, reaffirms that a consenting adult's choice to reside with a partner of their choosing remains constitutionally protected, irrespective of familial or societal disapproval.

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Background of the Case

The petitioners, both major individuals, had known one another since 2014 and had subsequently chosen to reside together in a **live-in relationship**. They had further resolved to formalise their union through marriage on 01.08.2026.

This decision was met with strong opposition from the father and real brother of the first petitioner, who allegedly began issuing threats of violence against the couple. Apprehensive of grave harm, the petitioners lodged a written complaint with the concerned Station House Officer on 06.08.2026.

When no action followed despite the lapse of several days, the petitioners approached the Delhi High Court by way of a writ petition under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking protection of their lives and personal liberty.

The Issue Before the Court

The central question was whether two **consenting adults**, cohabiting in a live-in relationship, are entitled to seek and receive police protection against threats issued by disapproving family members, particularly where the local police had failed to act upon a prior complaint.

Submissions of the Parties

Counsel for the petitioners submitted that both parties were consenting adults who had voluntarily chosen to cohabit and intended to marry, and that the hostility of the woman's father and brother had translated into repeated **threats of violence**.

It was further submitted that the police's failure to act upon the complaint dated 06.08.2026 amounted to a dereliction of duty that placed the petitioners' fundamental right to life under **Article 21** of the Constitution in jeopardy, warranting judicial intervention.

On behalf of the State, the learned Additional Standing Counsel accepted notice, and no substantive submissions resisting the grant of protection appear to have been advanced.

Judicial Precedents Relied Upon

The Court placed reliance on two significant pronouncements of the **Supreme Court of India**:

1. *Nandakumar & Anr. v. State of Kerala & Ors.* — cited for the proposition that major individuals possess an unfettered right to reside with a partner of their choosing, including within a live-in relationship, and that such arrangements now enjoy recognised legal standing, including under legislation such as the Protection of Women from Domestic Violence Act, 2005.
2. *Shafin Jahan v. Asokan K.M.* — invoked for the principle that Articles 19 and 21 of the Constitution jointly safeguard an individual's right to freedom as well as the right to life and personal liberty, and that any curtailment of these rights on the ground of societal morality or prejudice amounts to a deprivation of one's individual identity.

The Court's Analysis

The Court observed that since the petitioners, born in 1990 and 1993 respectively, were both major and consenting individuals, they possessed complete **autonomy to choose their partner** and to cohabit without interference from any quarter, including parents, relatives or friends.

Drawing upon the precedents cited, the Court held that although the petitioners were not legally married, their relationship, being founded on mutual consent and responsibility, was akin to marriage in substance.

The Court further clarified that marriages recognised in India transcend considerations of caste, creed, colour, religion or faith, provided they are between two consenting individuals, and that **Articles 19 and 21** extend equal protection to relationships of this nature. No person, however closely related, could lawfully interfere with the petitioners' choice, much less threaten their life or liberty.

The Court's Decision

The **writ petition was allowed**. The Court issued the following directions:

1. The petitioners shall be at liberty to contact the Station House Officer of PS Vijay Vihar, or the designated Beat Constable of the same police station, as and when required, and the concerned officers shall extend all necessary assistance in accordance with law.
2. Should the petitioners relocate to the jurisdiction of any other police station, they shall furnish their complete address to the SHO of that station within three days of such relocation, whereupon similar protection would stand extended to them by the local authorities.

Concluding Remarks

This order reinforces a consistent judicial trend recognising the **autonomy of consenting adults** to make personal choices regarding cohabitation and marriage, free from the interference of family members who may disapprove on grounds of social convention.

It also underscores the obligation of local police authorities to act promptly upon complaints of threatened violence, failing which constitutional courts remain available to ensure that the fundamental rights guaranteed under Articles 19 and 21 are not rendered illusory.

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