

Court No. - 85

Case :- WRIT - C No. - 20751 of 2023

Petitioner :- Anamika And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjeet Kumar Mishra

Counsel for Respondent :- CSC

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the petitioners, Mr. Ashwani Kumar Tripathi, learned A.C.S.C. for the State and perused the record.

2. The present writ petition has been filed with following main relief:-

"(i) Issue a writ, order or direction in the nature of writ of mandamus commanding and directing the respondent Nos. 1 to 3 to give security and not to interfere or disturb in peaceful life of the petitioners and further being pleased to direct the respondents not to harass the family members of the petitioner no.2"

3. It is submitted by learned counsel for the petitioners that both the petitioners are major and living together in relationship. It is further submitted that petitioner no. 1 is a major Hindu Girl aged around 21 years according to her Aadhar Card and Petitioner no.2 is major Muslim boy aged around 23 years according to his Aadhar card.

4. It is also submitted that an application has been given to police authority for protection but no action was taken.

5. Per contra, learned Standing Counsel has submitted that resident of petitioner No. 1 is Ashok Nagaram Shahdara, North East Delhi and a missing report regarding missing of petitioner no.1 has already been given by the mother of the petitioner no.1 namely Soni Devi at PS Jyoti Nagar, North East, Delhi, therefore no protection for live-in-relationship be granted.

6. Sri Ashwini Kumar Tripathi, learned A.C.S.C. submitted that this matter is squarely covered by judgement of this Court passed in ***Criminal Misc. Writ Petition No. 3310 of 2023, Kiran Rawat And Another Vs. State of U.P. Thru. Secy. Home, Lko. And Others, reported in 2023 SCC Online All 323.***

7. The Hon'ble Apex Court in Kiran Rawat and Another vs. State of U.P. (Supra) observed that:-

"21. However, in Muslim law no recognition can be given to sex outside marriage. "Zina" which has been defined as any sexual intercourse except

that between husband and wife includes both extramarital sex and premarital sex and is often translated as fornication in English. Such premarital sex is not permissible in Islam. In fact any sexual, lustful, affectionate acts such as kissing, touching, staring etc. are "Haram" in Islam before marriage because these are considered parts of "Zina" which may lead to actual "Zina" itself. The punishment for such offence according to Quran (chapter 24) is hundred lashes for the unmarried male and female who commit fornication together with the punishment prescribed by the "Sunnah" for the married male and female that is stoning to death."

8. In the case in hand the petitioner No. 1 is Hindu by religion and petitioner No. 2 is a Muslim. Petitioners have claimed protection by saying that they are living in relationship with each other. The matter is squarely covered by the case of Kiran Rawat and others vs. State of U.P. (Supra). Therefore, the writ petition is liable to be dismissed.

9. The writ petition is **dismissed**, accordingly.

Order Date :- 16.11.2023

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