

**Court No. - 50**

**Case :-** WRIT - C No. - 25682 of 2023

**Petitioner :-** Hasan Ali And Another

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Manoj Kumar

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ram Manohar Narayan Mishra,J.**

The petitioners have preferred this writ petition for a direction upon the respondents not to interfere in their married life and also for protection of their lives and liberty.

The petitioners claim that they are major. Petitioners are Muslim by religion. Petitioner nos. 1 and 2 are in living in relationship out of free will and choice for more than two years. They got made a declaration before the notary public this regard on 20.7.2023, copy thereof has been filed as annexure-2 to the petition.

In support of their age, the petitioners have brought on record their Aadhar Cards; wherein, the date of birth of the petitioner no. 2 is shown as 25.4.2005 and that of petitioner no. 1 as 1.1.2002. Thus, it appears from the record that both the petitioners are major. The father of petitioner no. 2 is not more. Respondent no. 3, mother of petitioner no. 2, was averse to the marriage of the petitioners and intended to give her hand to some other person, however, till date no F.I.R. has been lodged against the petitioner no. 2. They have filed a joint affidavit in support of the pleadings made in the writ petition.

The petitioners have averred in the writ petition that they are living as wife and husband. It is stated that they have apprehension that private respondent can eliminate them for the honour of their family. In case this Court does not grant them protection, their lives may be endangered. The petitioner no. 1 also moved an application on 21.7.2023 to SP, Amroha for seeking protection from private respondent and his associates, but no action was taken thereon. Learned counsel for the petitioners has cited the judgement of Division bench of this Court in Zeenat Parveen and another vs. State of U.P. and others in Writ-C No. 28049 of 2021 decided on 26.10.2021, Shayara Khatun @ Shaira Khatun and another vs. State of U.P. and others in Writ-C No. 19795 of 2021

decided on 26.10.2021 and Km. Radhika Sagar and another vs. State of U.P. and others, wherein, the Division Bench of this Court granted protection to the couple living in relation, who belong to different community. Learned counsel further submitted that case of the petitioners stands on better footings as both of them belong to same religious faith and the petitioners have every right to choose their life partner.

Heard learned counsel for the petitioners and Sri Hasan Abbas, learned Standing Counsel for the State - respondents.

Having regard to the facts and circumstances of the case, I am of the view that the petitioners are at liberty to live together and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the Superintendent of Police concerned, with a copy of this order, who shall provide immediate protection to the petitioners.

With the aforesaid observations, the writ petition is disposed of.

**Order Date :- 19.10.2023**

Dhirendra/