

Court No. - 50

Case :- WRIT - C No. - 26437 of 2023

Petitioner :- Rashmi Rajput And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Bipin Pal Singh

Counsel for Respondent :- CSC

Hon'ble Ram Manohar Narayan Mishra,J.

1. Instant civil misc. writ petition under Article 226 of the Constitution has been filed by the petitioners with the following prayer:-

"i) a writ, order or direction in the nature of mandamus commanding the respondent nos. 2, 3 & 4 not to interfere in the peaceful living of the petitioners.

ii) a writ, order or direction in the nature of mandamus commanding the respondent nos. 2, 3 & 4 not to visit and knock the door of the petitioners."

2. Heard learned counsel for the petitioners, learned Standing Counsel for State-respondents and perused the record.

3. Learned counsel for the petitioners submitted that petitioners have already attained the age of majority. They are consenting adults and living in live-in relationship out of love, free will and choice. However, they are inter-faith couple, petitioner No. 1 belongs to Hindu community whereas petitioner No. 2 belongs to Muslim community. He submitted that respondent No. 5, who is father of petitioner No. 1 intended to give hands of petitioner No. 1 to some old aged person against her will and when she denied the proposal of her marriage made by her father to some old aged person, he became infuriated and assaulted and threatened her. He further submitted that petitioner No. 2 is doing private job and earns around Rs. 20,000/- per month and is able to maintain petitioner No. 1. The date of birth of petitioner No. 1 is mentioned as 21.08.2004 and that of petitioner No. 2 is 01.01.2002 in their respective Aadhar Cards. They have also filed joint affidavit in support of their pleadings made in present writ petition.

4. *Per contra*, leaned Additional C.S.C. Sri Ashwani Kumar

Tripathi submitted that the petitioners being inter-faith couple cannot be provided protection by orders of this Court by issuing a writ, order or direction in the nature of mandamus in the view of order of Division Bench of this Court in **Kiran Rawat and Another Vs. State of U.P. Thru. Secy. Home, Lko. And Others** passed in **Criminal Misc. Writ Petition No. 3310 of 2023**.

5. In the light of aforesaid Division Bench pronouncement of this Court, the prayer made in present petition is refused and accordingly, present writ petition stands **dismissed**.

6. This is observed that petitioners being consenting adults are at liberty to seek protection of police authorities or approach appropriate criminal court to seek relief, if any offensive or criminal act is committed against petitioners at the instance of respondent No. 5 or any person, whatsoever.

Order Date :- 17.10.2023

Nitika Sri.