

**Court No. - 73**

**Case :-** WRIT - C No. - 31992 of 2023

**Petitioner :-** Smt. Arti And Another

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

**Counsel for Petitioner :-** Vivek Kumar Mishra

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

**Hon'ble Nalin Kumar Srivastava,J.**

1. 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.

2. The petitioners claim that they are adults and living together out of their own freewill. They have also performed the marriage according to Hindu rites and rituals and are living happily as husband and wife. It is stated that for the said reason, the private respondent and his other family members have got annoyed and there is serious danger to the lives of the petitioners as they are being threatened and harassed.

3. In support of their age, the petitioner no. 1 has brought on record her certificate-cum-marksheet of High School Examination, 2016 wherein the date of birth of the petitioner no. 1 is shown as 16.05.2000 and petitioner no. 2 has brought on record his Certificate of High School Examination, 2009 wherein his date of birth is shown as 23.03.1994. Thus, it appears from the record that both the petitioners are major.

4. The petitioners have averred in the writ petition that they are living together since 9.9.2023 and relations between them are cordial. It is stated that they have apprehension of their lives. In case this Court does not grant them protection, their lives may be endangered. It is further submitted that as per best knowledge of the deponent, till date no first information report or any complaint has been lodged against them by any one.

5. Heard learned counsel for the petitioners and learned Standing Counsel for the State functionaries. In view of the order proposed to be passed, there is no need to issue notice to private respondent. With the consent of learned counsel appearing for the parties, this writ petition is being disposed of finally at this stage in terms of the Rules of the Court.

6. The Hon'ble Supreme Court in a long line of decisions has settled the law that where a boy and a girl are major and they are living together with their free will,

then, nobody including their parents, has authority to interfere with their living together. Reference may be made to the judgements of the Supreme Court in the cases of **Gian Devi v. The Superintendent, Nari Niketan, Delhi and others, (1976) 3 SCC 234; Lata Singh v. State of U.P. and another, (2006) 5 SCC 475; and, Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396**, which have consistently been followed by the Supreme Court and this Court, as well as of this Court in **Deepika and another v. State of U.P. and others, 2013 (9) ADJ 534**. The Hon'ble Supreme Court in Gian Devi (supra) has held as under:

*"7. ... Whatever may be the date of birth of the petitioner, the fact remains that she is at present more than 18 years of age. As the petitioner is sui juris no fetters can be placed upon her choice of the person with whom she is to stay, nor can any restriction be imposed regarding the place where she should stay. The court or the relatives of the petitioner can also not substitute their opinion or preference for that of the petitioner in such a matter."*

7. In the present case, both the petitioners have claimed to be major and are living together with cordial relations out of their own freewill. The writ petition is, therefore, disposed of with liberty to petitioners to approach the concerned Superintendent of Police or Senior Superintendent of Police with a certified copy of this order, so that petitioners are not threatened or tortured by any person, even if they happen to be the parents of petitioners.

8. Petitioners are directed to mark their attendance before the concerned police station, where they are presently residing, once in a month for a period of 12 months. Petitioners are also directed to register their marriage within two months from today.

9. Copy of the order be sent to the concerned S.H.O. of the Police Station for information.

10. It is made clear that this order is being passed upon the averment made by the petitioners that no F.I.R. has been lodged in respect to kidnapping or abduction of the girl. If, any such F.I.R. has already been lodged against the petitioner(s), this order shall automatically come to an end.

11. With the aforesaid observations, the writ petition stands disposed of.

**Order Date :- 3.11.2023**

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