

Court No. - 45

Case :- WRIT - C No. - 32958 of 2023

Petitioner :- Smt Shaba Naaz @ Sunaina Arya And Another

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

Counsel for Petitioner :- Deleep Kumar Chaudhari, Akhlendra Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Akhlendra Pratap Singh, learned counsel for the petitioners and Shri Babloo Singh, learned Standing Counsel for the State.

2. By means of the present writ petition, the petitioners have prayed for a direction in the nature of mandamus directing the respondents no. 2, 3 and 4 to provide protection to the life.

3. Learned counsel for the petitioners submits that petitioners are major, as per Aadhar Card, the date of birth of petitioner no. 1 is 01.01.2005 and petitioner no. 2 is 04.07.1997. He further submits that petitioner no. 1 has married to petitioner no. 2 as per Hindu customs and traditions. He next submits that petitioner no. 1 is Muslim before marriage and after conversion to Hinduism she married to petitioner no. 2 on 13.09.2023 at Arya Samaj Kharkoni Naini Prayagraj, copy of which is annexed as annexure 3 to the petition. Counsel for the petitioners has also invited the attention of the Court to annexure 4 to the petition wherein they have applied for registration of their marriage vide application no. 202301900655.

4. Sri Babloo Singh, learned Standing Counsel submits that provision of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 have not been followed by the petitioners by converting the petitioner no. 1 to Hinduism therefore, the marriage under Hindu marriage could not said to be a valid marriage.

5. Without going into the validity of the marriage, this Court is of the view that when any citizen apprehend threat to their life and property, can always seek protection from the Police. In the same manner, the petitioners are also entitled to the protection, in case, the petitioners apprehend threat to their life and property, the

concerned S.H.O. shall provide all assistance as may be necessary under law on their request.

6. With the above observation, the petition is disposed of.

Order Date :- 7.11.2023

Ujjawal