

**Court No. - 85**

**Case :-** WRIT - C No. - 33744 of 2023

**Petitioner :-** Madina Khatun And Another

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

**Counsel for Petitioner :-** Rajesh Kumar Patel, Rajesh Kumar Patel

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

**Hon'ble Mayank Kumar Jain, J.**

1. Heard learned counsel for the petitioners, 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 mandamus thereby directing respondent Nos. 2 & 3 provide protection to the petitioners in the peace full living together and also direct to the respondents not harass them in any manner."*

3. It is submitted by learned counsel for the petitioners that both the petitioners are major and living together in relationship out of their own sweet will.

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

5. Learned Standing Counsel 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.***

6. 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."* It is observed that in muslim law live-in-relationship is not permitted. At one hand this fact is brought on record by petitioner No. 1 in statement recorded under section 164 Cr.P.C. that she had performed court marriage with the petitioner No. 2 on the other hand present petition has been filed seeking protection against live in relationship.

7. In the case in hand the petitioner No. 1 is Muslim by religion and petitioner No. 2 is a Hindu. 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.

8. The writ petition is dismissed, accordingly.

**Order Date :-** 17.11.2023  
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