

Court No. - 85

Case :- WRIT - C No. - 35799 of 2023

Petitioner :- Gulshan And Another

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

Counsel for Petitioner :- Amar Nath

Counsel for Respondent :- C.S.C.

Hon'ble Mayank Kumar Jain,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the State respondents.

By means of the present writ petition, the petitioners have prayed for a direction in the nature of mandamus commanding and directing the respondent no. 4 not to harass them and interfere in their peaceful living with his own free will and choice and further commanding and directing the respondent nos. 2 and 3 to protect the life of the petitioners from respondent no. 4.

It is submitted that petitioner no. 1 and petitioner no. 2 are major. As per 8th class Marksheet of petitioner no.1 her date of birth is 02.07.2000 and as per Aadhar card of petitioner no. 2, his date of birth is 04.02.2001. They are living together in live-in relationship, they are threatened by respondent no. 4 into their peaceful living. Therefore, respondent no. 4 may be directed not to interfere in the peaceful living of the petitioners.

Per contra, Sri Ashwini Kumar Tripathi, 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**. Sri Ashwini Kumar Tripathi, learned Standing Counsel has placed reliance on paragraph-21 of the aforesaid judgment which reads as follows:-

"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."

The judgment passed by this Court is applicable on the fact of this case being similar, therefore, the petition is liable to be dismissed.

Hence, this writ petition is accordingly **dismissed**.

Order Date :- 9.11.2023

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