

**Court No. - 37**

**Case :-** WRIT - C No. - 35554 of 2023

**Petitioner :-** Arti Sharma And Another

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

**Counsel for Petitioner :-** Raj Kumar Sharma

**Counsel for Respondent :-** CSC,Sachin Dubey

**Hon'ble Manoj Bajaj,J.**

Petitioners have filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of mandamus by way of directions to the official respondent no.2 to provide protection to them, as they being in live-in-relationship since 23.09.2023 against the wishes of respondent nos.4 and 5- father and husband of petitioner no.1 respectively, apprehend threat to their life.

Mr. Sachin Dubey, learned counsel for the respondent no. 5 is present.

Learned counsel for the petitioner submits that the petitioners though were previously married, but they have separated from their respective spouses and have been continuously residing together in live-in relationship since 23.09.2023, but their relationship is being opposed by the father and husband of the petitioner no.1, i.e., respondent nos. 4 and 5 respectively. According to the learned counsel in this regard, the petitioner no. 1 approached the Station House Officer, P.S. Barshana, District Mathura- respondent no. 3, but no action was taken upon the grievance of the petitioner. Learned counsel has further submitted that the petitioners being major are well within their rights to reside with each other and the conduct of respondent nos. 4 and 5 in opposing their relationship is bad in law, therefore, the petitioners have approached this Court for issuance of directions to official respondents, to provide protection to them.

During the course of hearing, it is not disputed by learned counsel that the respective marriages of both the petitioners are continuing and have not been dissolved till date.

At this stage, learned counsel for the respondent no. 5 has stated that the petitioner no. 1-Arti Sharma has rejoined the company of her husband- respondent no.5, Vishnu Dutt Sharma.

This fact is also not disputed by the learned counsel for the petitioners.

After hearing the learned counsel for the parties and considering the submissions, this Court finds that the petitioners are already married and have not been legally separated from their respective spouses. Merely because, the petitioners have resided together for few days, their relationship cannot be attached with any legitimate sanctity and such a relationship apparently is an "*unholy alliance*". Apart from this, the stand of the petitioners that they are facing thereat to their life is also not worth acceptance, as in this regard, neither any particulars of the alleged threat, much less the manner and mode have been mentioned by the petitioners nor any request for protection has been made by them to the police. Consequently, the writ petition seeking mandamus is not maintainable in the absence of any representation to the police authorities and further, the averments contained in the writ petition do not disclose a valid cause of action.

Resultantly, this Court has no hesitation in holding that the writ petition is nothing but a misuse of the process of law, therefore, the petition is ***dismissed*** with a costs of Rs. 20,000/- to be deposited with the Registrar General, Allahabad High Court.

**Order Date :- 1.11.2023**

Vipasha