

Court No. - 37

Case :- WRIT - C No. - 35531 of 2023

Petitioner :- Smt. Shivani @ Shabana And Another

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

Counsel for Petitioner :- Ashish Srivastava

Counsel for Respondent :- C.S.C.

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 have performed marriage on 03.10.2023 against the wishes of respondent no.4-brother of petitioner no.1 and apprehend threat to their life.

Learned counsel submits that the petitioners who are major, voluntarily and willingly performed marriage on 03.10.2023, but their alliance is being opposed by the respondent no. 4 who is the brother of the petitioner no.1. He further submits that the petitioners are receiving threats to their life, therefore, they have given a request dated 04.10.2023 to Senior Superintendent of Police, Bareilly, but, there is no action upon the said request, therefore, they have approached this Court for issuance of necessary directions.

After hearing the learned counsel and considering the material on record, this Court finds that as per the representation dated 04.10.2023, the alleged threat is attributed to unknown persons and there is no averment that any threat was ever extended by brothers of petitioner no. 1. Besides the apprehension of the petitioners that the brothers of the petitioner no.1 may implicate the petitioner no.2 in a criminal case is misconceived, because, even if, it is presumed to be true, it cannot be construed as a threat, as the brothers of the petitioner no.1 are also free to avail their remedy in law. Though, according to the petitioners, all the six brothers of petitioner no.1 are threatening the couple, but the petition is directed against one brother only, i.e., respondent no. 4- Shamshul Hasan.

Thus, considering the above background, this Court is not inclined to exercise extraordinary writ jurisdiction under Article 226 of the Constitution of India.

The petition is ***dismissed***.

Order Date :- 1.11.2023/Vipasha