

Court No. - 82

Case :- WRIT - C No. - 36733 of 2023

Petitioner :- Smt. Reeta Rani And Another

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

Counsel for Petitioner :- Ashutosh Kumar

Srivastava, Rakesh Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Surendra Singh-I,J.

1. Heard Sri Rakesh Kumar Srivastava, learned counsel for the petitioners and Sri Pramit Kumar Pal, learned Standing Counsel appearing on behalf of the State-respondents.

2. Averment has been made by the petitioners that the first petitioner, Smt. Reeta Rani, is a major with the date of birth recorded in her Aadhar card being 18.08.1996. The second petitioner, Rupesh Kumar, is also a major. His date of birth recorded in his Aadhar card is 20.12.1996. It is averred that both the petitioners have solemnized their marriage on 23.02.2023 at Arya Samaj Mandir, Kavi Nagar, Ghaziabad, by their own free will. This is first marriage of the petitioners. They are living together happily as husband and wife. They have also got their marriage registered in the office of Marriage Registration Officer, Ghaziabad. It is stated that till date, no FIR has been lodged relating to their marriage. It is further submitted that father and brother of the first petitioner, respondent nos. 4 and 5, namely, Prem Chand and Gautam, are averse to the marriage of the petitioners. They are harassing the petitioners in connivance with the local police. It is stated that petitioner no. 1 has given an application dated 13.10.2023 to the Police Commissioner, Gautam Buddh Nagar, seeking protection of their life and marriage but of no avail. The present writ petition is also supported by a joint affidavit of the petitioner nos. 1 and 2.

3. Looking to the nature of the order that this Court proposes to pass, issue of notice to the private respondents is dispensed with.

4. With the consent of learned counsel appearing for both the parties, this writ petition is being disposed of finally at this stage in terms of the Rules of the Court.

5. The Supreme Court in a long line of decisions has settled the law that where a boy and a girl are major and they are living with their free will, then, nobody including their parents, has authority to interfere with their living together. Reference may be made to the judgements of the Supreme Court in the cases of **Gian Devi Vs. The Superintendent, Nari Niketan, Delhi and others,**

(1976) 3 SCC 234; Lata Singh Vs. State of U.P. and another, (2006) 5 SCC 475; and Bhagwan Dass Vs. State (NCT of Delhi), (2011) 6 SCC 396, which have consistently been followed by the Supreme Court and this Court, as well as of this Court in **Deepika and another Vs. State of U.P. and others, 2013 (9) ADJ 534**. The Supreme Court in **Gian Devi (supra)** has held as under :

"7. Whatever may be the date of birth of the petitioner, the fact remains that she is at present more than 18 years of age. As the petitioner is sui juris, no fetters can be placed upon her choice of the person with whom she is to stay, nor can any restriction be imposed regarding the place where she should stay. The court or the relatives of the petitioner can also not substitute their opinion or preference for that of the petitioner in such a matter."

6. Having regard to the facts and circumstances of the case, I am of the view that the petitioners are at liberty to live together and no person shall be permitted to interfere in their peaceful living. Since the petitioner no. 1 has already approached the respondent no. 2, Police Commissioner, Gautam Buddh Nagar, regarding protection of their life and marriage, the respondent no. 2 is directed to ensure that no disturbance is caused in the peaceful living of the petitioners by the respondent nos. 4 and 5 or their associates.

7. Since no report or instruction has been received by the learned Standing Counsel regarding pendency of any first information report or false/fabricated document, a liberty is granted to private respondents that if later on, it is found that any first information report has been lodged against the petitioners or if the documents brought on the record are fabricated or forged, it will be open to them to file an application for recall of this order and this order shall stand automatically vacated.

8. It is made clear that this Court has not adjudicated upon the alleged marriage of the petitioners and this order in no way expresses opinion about the validity of their marriage and genuineness of their marriage certificate, if any. It is also made clear that this order would not come in the way of investigation, if any, pending before the police authorities and the law will take its own course.

Order Date :- 1.11.2023
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