

Court No. - 85

Case :- WRIT - C No. - 37917 of 2023

Petitioner :- Vaishali Gangaram Pawar And Another

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

Counsel for Petitioner :- Rizwan Ahmad(Qureshi),Hina Shafiq

Counsel for Respondent :- C.S.C.

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State and perused the record.

2. The present writ petition has been filed with following main relief:-

"(i) to issue a writ, order or direction in the nature of mandamus directing the respondent No. 2 and 3 to provide adequate protection and security to the life and liberty of the petitioners and to allow them to live in relationship and to take suitable action against the respondent No. 4 & 5 for causing disturbance in the peaceful personal life of the petitioners in accordance with law. "

3. It is submitted by learned counsel for the petitioners that both the petitioners are major and living together in relationship. It is also submitted that an application has been given to police authority for protection but no action was taken.

4. Per contra, learned Standing Counsel has submitted that petitioner No. 1 is a Hindu lady and the petitioner No. 2 is a Muslim by religion. Since they are living together in live-in-relationship therefore no protection for live-in-relationship is granted.

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.*** Learned A.C.S.C. 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." 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.

6. In view of the observation made in ***Kiran Rawat vs. State of U.P. (Supra)***, the present writ petition does not deserve to be allowed. Therefore, the writ petition is **dismissed**.

Order Date :- 6.12.2023

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