

Court No. - 84

Case :- WRIT - C No. - 40432 of 2023

Petitioner :- Smt. Meena Bind And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohd. Shahanshah Khan

Counsel for Respondent :- C.S.C.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State-respondents. Perused the record.

2. By means of this joint petition under Article 227 of the Constitution of India, The petitioners mainly Seek the following relief:--

(i) Issue a writ, order, direction in the nature of mandamus direct to the respondents not to harass the petitioners.

(ii) Issue a writ, order, direction to the police authority, to ensure the safety of petitioners and provide protection to them."

3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are major. They have furnished their High School certificate of marks, as annexure nos 1 and 2 of the petition, which is on record. As per High School Certificate of marks of petitioner no. 1, her date of birth is 25.12.1990 and date of birth of petitioner no. 2 is 29.10.1989. Thus, their age is about 33 years and 34 years respectively.

4. Learned counsel for the petitioners submits that both of them has fallen in love with each other so, they solemnized their marriage on 02.06.2023 voluntarily and with their free consent at Vindhyachal Mandir Mirzapur, as per Hindu rites and rituals. Learned counsel for the petitioners urged that it is their first marriage. Since then they are living as husband and wife. They are ready to get their marriage registered under the Marriage Registration Act.

5. Learned counsel for the petitioners submitted that respondent no. 3. father of petitioner no. 1, is not happy with this marriage. Her father did not accept it, so newly wedded couple, always living under state of fear and terror of respondent no. 2. It is also contended that petitioners have moved application dated 05.09.2023, before S.O. kotwali Dehat, Mirzapur to provide security to them but he did not pay

any heed. Although, no FIR or any other criminal proceeding is pending against the petitioners so far.

6. Learned Standing Counsel has also pointed out that it is invalid marriage of the petitioners is invalid because of non observance of the legal requirements under Hindu Marriage Act, 1956 the marriage. The learned counsel for petition refuted the argument of learned Standing Counsel, arguing that at this stage validity of marriage is not to be seen because petitioners are major, educated and economically sound persons, (as petitioner no. 2 is earning Rs. 20,000/- per months by doing job in a finance company). Every such person has a right to live with any person of his/her choice and place and no one can create hindrance in their such living, even if he/ she is unmarried and in a state of live-in relationship.

7. In view of the above petitioners are directed to apply for registration of their marriage and get their marriage registered and furnish the marriage registration certificate within two months before learned CJM, Mirzapur. Meanwhile, the interest of the petitioners is protected. Respondents are directed not to create hindrance in the peaceful living of the petitioners and they shall not harass their married life

8. With the above directions the petition is finally **disposed of**.

Order Date :- 2.12.2023

Rmk.