

**Court No. - 84**

**Case :-** WRIT - C No. - 41448 of 2023

**Petitioner :-** Zeba Urf Surabhi Srivastav And Another

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

**Counsel for Petitioner :-** Daya Shankar Vishwakarama

**Counsel for Respondent :-** CSC

**Hon'ble Arun Kumar Singh Deshwal,J.**

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

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

*"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to harass and interfere in peaceful life of the petitioners and further be pleased to direct the respondents to protect the life and liberty of the petitioners."*

3. Contention of learned counsel for the petitioners is that both the petitioners are major and have willingly married to each other.

4. From perusal of the record, it appears that neither any document regarding majority of petitioner No.1 has been annexed nor any conversion certificate has been annexed as regards conversion of the petitioner No.1 into Hindu Religion. Though the petitioners have annexed the marriage registration application form, but in absence of any document, this Court is unable to make any opinion about the validity of marriage as well as proper conversion of petitioner No.1.

5. In support of his contention, learned counsel for the petitioners has also relied upon paragraph No.21 of the judgement of ***Shafin Jahan vs. Asokan K.M. and others; 2018 LawSuit(SC) 534***. Paragraph- 21 of the judgement is reproduced as under:-

*"21. The right to marry a person of one's choice is integral to Article 21 of the Constitution. The Constitution guarantees the right to life. This right cannot be taken away except through a law which is substantively and procedurally fair, just and reasonable. Intrinsic to the liberty which the Constitution guarantees as a fundamental right is the ability of each individual to take decisions on matters central to the pursuit of happiness. Matters of belief and faith, including whether to believe are at the core of constitutional liberty. The Constitution exists for believers as well as for agnostics. The Constitution protects the ability of each individual to pursue a way of life or faith to which she or he seeks to adhere. Matters of dress and of food, of ideas and ideologies, of love and partnership are*

*within the central aspects of identity. The law may regulate (subject to constitutional compliance) the conditions of a valid marriage, as it may regulate the situations in which a marital tie can be ended or annulled. These remedies are available to parties to a marriage for it is they who decide best on whether they should accept each other into a marital tie or continue in that relationship. Society has no role to play in determining our choice of partners."*

6. From perusal of record, it appears that for protection of their married life, the petitioners have also moved an application dated 13.10.2023 before the Superintendent of Police, Fatehpur through registered post.

7. In view of the aforesaid, the petition is **disposed of** with a direction that the Superintendent of Police, Fatehpur shall consider the application of the petitioners dated 13.10.2023 and after verifying their age as well as validity of their marriage, he shall pass appropriate order within a period of one month from the date of production of certified copy of this order.

8. For a period of one month Superintendent of Police, Fatehpur will also ensure that the petitioners may not be harassed unnecessarily.

**Order Date :- 1.12.2023**

Vandana