

Court No. - 84

Case :- WRIT - C No. - 41345 of 2023

Petitioner :- Anshu And Another

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

Counsel for Petitioner :- Nasir Hussain, Akhilesh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the petitioners as well as learned Standing Counsel for the State.

2. Instant Civil Misc. Writ Petition under Article 226 of the Constitution has been filed by the petitioners with the following prayer:-

"i) To issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere and disturb the peaceful life of the petitioners by adopting coercive measures.

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to 5 to secure the peaceful life of the petitioners from respondent no. 5 and their associates."

3. The contention of counsel for the petitioners is that both the petitioners are major and living together in live-in-relationship. It is also submitted that though an FIR was lodged by respondent no. 5. The Police after investigation has submitted final report on the ground that victim i.e. petitioner no. 1 is major. It is further submitted that though the petitioners have not solemnized marriage and living together in live-in-relationship, but family members of petitioner no. 1 are not happy and they are harassing the petitioners. It is next submitted that the petitioner no. 1 has also moved an application dated 04.11.2023 before respondent no. 3 i.e. Superintendent of Police, Saharanpur, seeking protection for herself and petitioner no. 2.

4. Learned Standing Counsel raised objection on contention made by learned counsel for the petitioners.

5. Considering the aforesaid submissions and upon perusal of record, present writ petition is ***disposed of*** with a direction to

Superintendent of Police, Saharanpur i.e. respondent no. 3 to consider the application dated 04.11.2023 filed by petitioner no. 1 within one month and pass appropriate order for the protection of peaceful living of the petitioners, if there is no legal impediment.

6. It is further directed that till disposal of the aforesaid application, the Superintendent of Police, Saharanpur, will ensure that no person will interfere in the peaceful living of the petitioners.

Order Date :- 1.12.2023

Anjali