

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 3883 of 2023

Petitioner :- Shambhu And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko. And Others

Counsel for Petitioner :- Dinesh Chandra Tewari

Counsel for Respondent :- G.A.

Hon'ble Rajnish Kumar, J.

Hon'ble Umesh Chandra Sharma, J.

Heard learned counsel for the petitioners, learned A.G.A for the State and perused the material available on record.

The instant writ petition has been filed by the petitioners to issue a writ order or direction in the nature of mandamus commanding the opposite parties not to harass, threaten and interfere in peaceful matrimonial life of petitioner in any manner.

In deference to the order passed by this Court on 22.05.2023, learned counsel for the petitioners filed a supplementary affidavit, which is taken on record.

Learned counsel for the petitioner submits that petitioner no. 2 has done High School, and the date of birth of the petitioner no. 2 is recorded as 01.01.2002 in the High School Certificate. Since, the certificate is not traceable, therefore the petitioner has annexed an affidavit in this regard. He further submits that petitioner no. 1 and 2 are present before this Court.

Learned counsel for the petitioners further submits that the petitioners are major in age and they have solemnized their marriage out of their own free will against the wishes of their parents, therefore, father of the petitioner no. 2 threatened of

dire consequences.

On a query being put they have not supported the allegations, though the petitioner no. 2 submits that she has passed the High School four years back from the D.P.S Inter College, District, Gonda and her date of birth is recorded as 01.01.2002, in the High School Certificate. However, since threat, harassment and interference in peaceful matrimonial life of the petitioners, as alleged, has been denied by the petitioner nos. 1 and 2, who are present before this Court, therefore, this writ petition has been filed merely on the apprehension, which is not maintainable. Even otherwise the petitioners have a remedy under Sections 154, 156 (3) and Section 200 of Code of Criminal Procedure, in case the petitioners are harassed or threatened. Even otherwise the petitioners, if major are entitled to live separately without any interference in view of the judgment passed in the case of *Lata Singh Vs. State of U.P. and others (2006) 2 Supreme Court Cases (Cri) 478*. which is not disputed by learned A.G.A.

With the aforesaid, the writ petition is **dismissed**.

Order Date :- 7.6.2023

Vinod.