

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4338 of 2023

Petitioner :- Juhi Alias Juhi Bano And Another

Respondent :- State Of U.P. Thru. Secy. Home. Deptt. Govt. Lko. And Others

Counsel for Petitioner :- Arshad Jameel, Mohd. Salman, Mukhtar Ahamad

Counsel for Respondent :- G.A.

Hon'ble Manish Mathur, J.

Hon'ble Umesh Chandra Sharma, J.

Heard learned counsel for the petitioners and learned AGA for the respondent nos.1, 2 and 3.

In view of the order being passed, notice to respondent no.4 stands dispensed with.

This petition has been filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondents not to interfere, in any manner, in the marital life of the petitioners.

It is stated by learned counsel for the petitioners that both the petitioners are major and have married with each other by their own free will on 29.05.2023 as per Muslim Rites and Rituals. In this regard, reliance has been placed on the *Nikahnama* as well as their age certificates, annexed as Annexure nos.2 and 3 to the writ petition. They are enjoying and living peaceful matrimonial life. There is no first information report lodged against the petitioners till date.

However, respondent no.4, being annoyed of their marriage, is creating hindrance in order to disturb their matrimonial life with the help of police authority of concerned police station. As such, the petitioners made a representation to the respondent nos.2 and 3 requesting therein that police authority of concerned police station may be directed not to interfere in the peaceful matrimonial life at the behest of respondent no.4 but till date, nothing has been done by the police authority. So, they have approached this Court, for redressal of their grievances, by filing the present writ petition.

Learned counsel for the petitioners has relied upon the law laid

down in paragraph-17 of ***Lata Singh Vs. State of U.P. and another, 2006 (5) SCC 475*** which reads as under:-

"17. ...We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a women or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

The petitioners have also pleaded for protection under Article 21 of the Constitution of India which guarantees liberty to lead life of their own with dignity.

The petition is, therefore, ***disposed of*** with a direction to the respondents not to interfere in peaceful life and liberty of the petitioners in any manner.

Order Date :- 2.6.2023

Shahroz