

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4410 of 2023

Petitioner :- Nural Hasan And Another

Respondent :- State Of U.P. Thru. Secy. Home Lko And 2 Others

Counsel for Petitioner :- Rehan Ahmad Siddiqui, Dildar Khan

Counsel for Respondent :- G.A.

Hon'ble Rajnish Kumar, J.

Hon'ble Umesh Chandra Sharma, J.

1. Heard, learned counsel for the petitioners and learned A.G.A.
2. This petition has been filed for a direction to the opposite parties not to harass and also not to disturb and create any hindrance in the happy matrimonial life of the petitioners as they are grown up major persons and have married with their own free will without any coercion or undue influence and without the consent of the parents of petitioner no.2.
3. Submission of learned counsel for the petitioners is that the petitioners are major in age and they have married with their own free will and living together as husband and wife but there is apprehension that since the petitioner no.2 has married to the petitioner no.1, after taking her away from her house, therefore an F.I.R. may be lodged, whereas merely on apprehension the petition is not maintainable.
4. Learned A.G.A., on the basis of instructions, submits that this is second marriage of the petitioner no.2 and she had married to one Salman, resident of Budhaura Kumbhapur, Police Station- Raniganj, District- Pratapgarh and the learned counsel for the petitioners has nowhere disclosed that the divorce has taken place.

5. At this stage, learned counsel for the petitioners though submits that divorce has already taken place but nothing has been disclosed in this regard in the petition. Even otherwise, the petition is not maintainable merely on apprehension of lodging F.I.R. and also on account of concealment of facts.

6. **Dismissed** accordingly.

(Umesh Chandra Sharma,J.)(Rajnish Kumar, J.)

Order Date :- 6.6.2023

Haseen U.