

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4461 of 2023

Petitioner :- Smt. Pooja Devi And Another

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

Counsel for Petitioner :- Girdhari Lal Shukla

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Shri Girdhari Lal Shukla, the learned counsel for the petitioners and Shri Badrul Hasan, the learned A.G.A.-I for the State-respondents.

2. The present writ petition has been filed with the following prayer:

*"(a) Issue a writ order or direction in the nature **MANDAMUS** commanding the opposite parties not to interfere/ harass in peace full married life of the petitioners.*

*(b) Issue a writ order or direction in the nature of **MANDAMUS** commanding the opposite party no. 2 and 3 to provide security of the life and liberty to the petitioners.*

(c) Any such other order or direction which this Hon'ble Court may deem fit and proper.

(d) Allow the writ petition with cost."

3. Learned counsel for the petitioners submits that petitioners have already solemnized marriage with each other and they are major, but the respondent No. 4 who is the father of the girl is not happy with their marriage and on his pressure police is harassing them, therefore, they may be given protection as has been held by Hon'ble Supreme Court in the case of **Lata Singh Vs. State of U.P. & another : 2006 AIR SCW 3499**.

4. Learned A.G.A.-I submits that the present writ petition is nothing but an abuse of process of law as nothing has been said in the entire writ petition as to what threat has been given to the petitioners by the respondent No. 4, nor there is any F.I.R. lodged against the petitioner No. 2, therefore, the present petition may be dismissed.

5. After considering the submissions as advanced by the learned counsel for the parties and after perusal of record, it is apparent that though both the petitioners have solemnized marriage with each other on their own volition and are living together as husband and wife but in the entire writ petition nothing has been said regarding threat given to the petitioners by the police on the pretext of father of the girl, nor there is any F.I.R. lodged against the petitioner No. 2 either in Shravasti where father of the girl is residing or in Gonda where the petitioners are residing, moreover, the Court cannot give a certificate to the petitioners of their legally married life when there is no any valid proof of age of the girl annexed with the writ petition and only her medical certificate has been annexed which is a last resort for determination of her age, thus, there is no justification to entertain the present writ petition and the present writ petition is liable to be dismissed.

6. **Dismissed** accordingly.

Order Date :- 9.6.2023

Mustaqeem