

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7839 of 2023

Petitioner :- Semita Chettri And Another

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

Counsel for Petitioner :- Bhupendra Pratap Singh, Sukh Deo Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. This petition has been filed with the following main prayer:-

"i. Issue a Writ, order or direction in the nature of Mandamus directing the Respondents to not disturb the happy and peaceful life of the Petitioners who are currently living together since 23/09/2023, in live-in-relationship the interest of justice."

3. It has been submitted by learned counsel for the petitioners that the petitioner nos.1 & 2 are in love and have started living with each other. The petitioner no.1 is major lady of 28 years. She was earlier married to one Subhash Thapa and two children have been born out of the said wedlock. She has left her matrimonial house on her own free will due to the quarrelsome behavior of her husband and she is now residing with the petitioner no.2.

4. The petitioners are afraid that they will be persecuted because of the influence exercised by the husband of the petitioner no.1 and the father of the petitioner no.2 and, therefore, petitioners are praying for the benefit of the judgement rendered by Hon'ble Supreme Court in the case of *Lata Singh Vs. State of U.P. and another*, 2006 (5) SCC 475 and the observations made in paragraph-17 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."

5. This Court has found from a perusal of the judgement rendered by Hon'ble Supreme Court in *Lata Singh Vs. State of U.P. and another*, 2006 (5) SCC 475, that the appellants therein had approached the Supreme Court against the police harassment because of F.I.R. being lodged by the brother of appellant no.1.

6. In the present case of the petitioners, there is no F.I.R. lodged. Therefore, the benefit of the judgement rendered by Hon'ble Supreme Court in *Lata Singh Vs. State of U.P. and another*, 2006 (5) SCC 475, as prayed for, cannot be granted to petitioners.

7. Learned counsel for the petitioners has also orally submitted that petitioner no.1 intends to marry petitioner no.2.

8. This Court finds that such marriage is not possible when the petitioner no.1 is still a legally wedded wife of Subhash Thapa and a mother of two children born out of the said wedlock.

9. The writ petition stands ***dismissed***.

Order Date :- 10.10.2023

Rahul