

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8236 of 2023

Petitioner :- Laxmi Devi And Another

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

Counsel for Petitioner :- Sharvan Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

(1) Heard learned counsel for the petitioners and learned A.G.A. who appears on behalf of the State Respondents.

(2) This petition has been filed with the following main prayers:-

"i. Issue a writ, order, or direction in the nature of mandamus, directing the opposite parties not to disturb and interfere in the life of the petitioners and further not to harass them in any manner by making nocturnal visit at the house of the petitioners in the interest of justice.

ii. Issue a writ, order, or direction in the nature of the mandamus, directing the opp. party no.2 to take appropriate action into the matter against the opp. party no. 4 in accordance with law."

(3) It has been submitted by learned counsel for the petitioners that petitioner no.1 and petitioner no.2 are both major, who on their own volition and free will are living together in live-in relationship, but the family members of petitioner no.1 are unhappy to such live-in-relationship. In support of his submission that petitioners no. 1 and 2 are major, learned counsel for the petitioners has drawn our attention to the annexure no.1 to the petition, which School Leaving Certificate of the petitioner no. 1 and according to which the date of birth of petitioner no.1 is 02.07.2005.

(4) Learned counsel for the petitioner has also

placed reliance upon the Judgement rendered by the Hon'ble Supreme Court in the case of ***Nandkumar and Another Vs. State of Kerala and Others*** reported in **(2018) 16 SCC 602**.

(5) This writ petition is ***disposed of*** with a direction to the petitioners that in case they are being threatened by their family members, they may file an application under Section 154(2) or 154(3) of the Cr.P.C. before the Police Station/Superintendent of Police concerned, or move an application under Section 156 (3) of the Cr.P.C. before the Magistrate concerned or file a complaint case under Section 200 of the Cr.P.C. before the authorities concerned.

Order Date :- 19.10.2023
Darpan Sharma