

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8414 of 2023

Petitioner :- Saba Praveen And Another

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

Counsel for Petitioner :- Bal Krishna Shukla

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(i) Issue a writ, order or direction in the nature of mandamus directing the opposite party no. 2 and 3 to restrain the opposite party no. 4 and not disturb and not create any hindrance in personal life and liberty of the petitioners.

(ii) Issue a writ, order or direction in the nature of mandamus directing the opposite parties no. 2 and 3 not to harass/arrest the petitioner without lodging any F.I.R.

(iii) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 2 and 3 to provide protection from opposite party no. 4 to not cause any harm to the petitioner as well as family members.

It has been submitted by the learned counsel for the petitioners that the petitioner no. 1 fell in love with the petitioner no. 2 and ran away with him. Thereafter, an F.I.R. was lodged against the petitioner no. 2 under Section 363, 366, 376 I.P.C. and 3/4 of the POCSO Act as case crime no. 233 of 2018. In the statement under Section 161 and 164 Cr.P.C. the victim has not supported the prosecution story. The charge sheet was submitted by the Investigation Officer against the petitioner no. 2 and he has been sent jail. Thereafter he has been granted bail by this Court on 19.11.2018 in Bail No. 9713 of 2018 . The petitioner no. 1 has started living with the petitioner no. 2 and they have been threatened by the police unnecessarily.

Learned A.G.A. has informed this Court that the petitioner no. 1

belongs to different faith than the petitioner no. 2. There is already an F.I.R. lodged in which the petitioner no. 2 has also been sent to jail and has now been granted bail. Charge sheet has been submitted to the trial court. Therefore, this Court should not ordinarily entertain such writ petition praying for mandamus to be issued to the police authority not to disturb the peaceful living of the petitioners.

It has also been pointed out that the petitioners have not married each other and are in live-in-relationship.

Counsel for the petitioner says that the petitioners are willing to marry each other but since the petitioner no. 1 belongs to different religion, she would have to convert to the religion of the petitioner no. 2 before getting married for which formalities have to be completed.

This Court is of the considered opinion that no one stops the petitioners from marrying each other and getting the marriage registered under the Special Marriage Act where the petitioner no. 1 can continue to follow her own religion.

With the aforesaid observations, the writ petition is **disposed of**.

Order Date :- 1.11.2023

Anuj Singh