

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8450 of 2023

Petitioner :- Mishra Suhani And Another

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

Counsel for Petitioner :- Manish Srivastava

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:-

"Issue a writ order or direction in the nature of mandamus commanding the opposite parties not to harass the Petitioners when there is no criminal proceeding against the Petitioners yet."

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 have got married to each other in accordance with Hindu rites and rituals, but the family members of petitioner no.1 are unhappy to such marriage. They are being harassed by the opposite party no.4, who is the father of the petitioner no.1. They therefore pray for the benefit of the judgement rendered by the Hon'ble Supreme Court in the case of *Lata Singh Vs. State of U.P. and another*, 2006 (5) SCC 475.

4. It has been further submitted by learned counsel for the petitioners that both the petitioners have got married at Arya Samaj Temple Kamta, Chinhath, Lucknow. A copy of the certificate issued on 19.10.2023 by the said temple has been filed as annexure-1 to the petition.

5. Learned A.G.A. has pointed out that from the annexures to the writ petition, it is evident that petitioner no.2 - Sharma Shivam was born on 16.10.2005. He is only 19 years of age and not of

a legal marriageable age of 21 years as prescribed under the Act.

6. At this juncture, learned counsel for the petitioners prays that he may be permitted to not press this petition.

7. Accordingly, this petition is ***dismissed*** as withdrawn.

Order Date :- 2.11.2023
Rahul