

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8739 of 2023

Petitioner :- Simran Khatun And Another

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

Counsel for Petitioner :- Sarvesh Kumar Shukla

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. 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 Certiorari to quash the missing report dated 16-10- 2023 registered in Case No.30/23 at Police Station- Mejia, District-Bankura, (West Bengal).

(ii) Issue a writ, order or direction in the nature of MANDAMUS commanding the opposite parties not to arrest the petitioners in pursuance of the impugned missing report dated 16-10-2023 registered in Case No.30/23 at Police Station-Mejia, District-Bankura, (West Bengal)."

3. It has been submitted by the learned counsel for the petitioner that the petitioners are major and belongs to different faith. The petitioner no.1 is in love with the petitioner no. 2 and both the petitioners are living together. The father of the petitioner no.1 being annoyed has lodged a missing report at Police Station- Mejia, District- Bankura, West Bengal.

4. Learned A.G.A. for the State Respondents has pointed out that the petitioner no. 1's father is rightly perplexed and annoyed at the disappearance of his daughter, who even through is major, has started living with the petitioner no. 2 without marriage. It has also been submitted that there is no prohibition of persons of different faith marrying each other and the Special Marriage Act provides for such marriages. If the petitioners really in love with each other and they may marry and get their marriage registered under the Special Marriages Act for the

petitioner no. 1 to continue to believe in her own faith.

5. This writ petition is ***disposed of*** with a direction to the petitioners to get their marriage registered under the Special Marriages Act. However, in case they are being harassed by any third person without their being a proper F.I.R. they may approach under Section 154(1) or 154(3) of the Cr.P.C. before the Police Station/Superintendent of Police concerned, or to move an application under Section 156 (3) before the Magistrate concerned and or filed a complaint case under Section 200 of the Cr.P.C. before the authorities concerned.

Order Date :- 9.11.2023

Darpan Sharma