

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8998 of 2023

Petitioner :- Rani Kanaujia

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home, Lucknow And 3 Others

Counsel for Petitioner :- Fakhruddin Ali Ahmad

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. who appears on behalf of the State Respondents.

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

"i. Issue a writ, order or direction in the nature of mandamus commanding and directing the opposite party no. 3 not to harass or torture the petitioner and her family members including her husband without any rhyme and reason as neither they are named in any criminal case nor they are wanted to the police.

It has been submitted by learned counsel for the petitioners that the petitioner and her family members including her husband are being harassed by the opposite party no.4. They therefore prayed 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*** 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."

This Court has found from the perusal of judgement rendered in ***Lata Singh Vs. State of U.P. and another, 2006 (5) SCC 475*** wherein the petitioner had approached the Supreme Court

against the police harassment because of F.I.R. being lodged by the brother of appellant no.1. In the case of the petitioner there is no F.I.R. lodged. The police cannot be presumed to harass the petitioner only under the influence of the private respondent no.4.

This writ petition is **disposed of** with a direction to the petitioner that in case they have 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 to move an application under Section 156 (3) before the Magistrate concerned and or file a complaint case under Section 200 of the Cr.P.C. before the authorities concerned.

Order Date :- 24.11.2023

Anuj Singh