

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9033 of 2023

Petitioner :- Smt. Mahak Vaish Alias Mahak Vasya And Another

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

Counsel for Petitioner :- Pankaj Kumar, Krishan Bhushan Tripathi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/Respondents and perused the record.

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

"(I). Issue a writ order or direction in the nature of Mandamus commanding the opposite parties No.1 to 3 to protect life and liberty of the petitioners who have performed marriage with each other with their free will and they are major in age. A true photocopy of the marriage certificate is already being annexed as **ANNEXURE No.1** to this writ petition.

(II). Issue a writ order or direction in the nature of Mandamus commanding the opposite parties No.1 to 3 to see that the petitioners are not harassed or victimized only because they have married out of their free will.

(III) Issue a writ order or direction in the nature of Mandamus commanding the opposite parties not to disturb the life and liberty of the petitioners and the family members of the petitioner No.2."

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 with each other as per Hindu rites and rituals on 21.11.2023. They are being harassed by the opposite party no.4, who is the father of the petitioner no.1. 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*.

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) and 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 :- 28.11.2023

ML/-