

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9067 of 2023

Petitioner :- Smt. Kajal And Another

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

Counsel for Petitioner :- Mohammad Imaran

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner 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 quashing the impugned First Information Report dated 16.11.2023 bearing FIR No. 646/2023, under sections 366 IPC, Police Station Gurubuxganj, District Raebareli so far as it relates to the petitioner No.2, as contained in Annexure No. 1 to the writ Petition.

(ii) issue a writ, order or direction in the nature of Mandamus directing the opposite parties not to arrest the petitioner No.2 on the basis of the impugned First Information Report dated 16.11.2023 bearing FIR No. 646/2023, under sections 366 IPC, Police Station Gurubuxganj, District Raebareli, as contained in Annexure No.1 to the writ petition, in interest of justice."

3. It has been submitted by the learned counsel for the petitioner that the petitioner no.1 got married to the petitioner no. 2 out of her own sweet will, but the opposite party no. 4, the father of the petitioner no.1 being annoyed with the marriage has lodged the impugned F.I.R.,

4. This Court has perused the pleadings on record, it appears that the petitioner no.1 belongs to a different faith from the petitioner no.2. They have got married not under the Special Marriage Act, but under the Hindu Marriage Act at Mankameshwar Mandir, Daliganj, Lucknow and applied for registration of their marriage, which registration has been refused on the ground that there is no permission of the District

Magistrate, therefore, they have approached this Court.

5. Learned A.G.A. for the State Respondents has pointed out that there is no rejection order of the application. The Registrar of Marriages cannot ignore the provisions of law which requires one month notice to be given to the parents.

6. The writ petition is **disposed of** with a direction to the petitioners to get their marriage registered under the Special Marriage Act and then approach the Superintendent of Police concerned, if they are actually being threatened.

Order Date :- 29.11.2023

Darpan Sharma