

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9410 of 2023

Petitioner :- Kaneez Fatima Alias Neha And Another

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

Counsel for Petitioner :- Amol Kumar Srivastava, Shivanshu Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners and learned AGA for State-respondents.

The present writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the first information report dated 18.08.2023 at Case Crime No.723 of 2023 under Section 363 IPC at Police Station Kotwali Nagar, District Gonda lodged by father of petitioner no.1 and with a further prayer to stay the arrest of the petitioner no.2 in pursuant to impugned FIR.

It has been submitted by learned counsel for the petitioners that the petitioners belongs to two different religion and they have married each other out of their own free will on 22.10.2023 and their Nikahnama has been filed as Annexure no.2 to the writ petition.

Learned AGA has pointed out from the contents of the impugned FIR and also from the Nikahnama that there is no conversion of petitioner no.1 into Islamic faith and even if such conversion was to have been taken place it could not have been done in violation of provisions of Section 8(2) of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021.

Learned counsel for the petitioners at this stage has pointed out that earlier also an FIR was lodged by the informant as FIR no.0326 of 2022 at police station Paraspur, District Balrampur on 05.11.2022 under Section 363 IPC against unknown person. Later on the victim was recovered but she again ran away with petitioner no.2 and got married to him and now impugned FIR has been lodged as FIR No.723 of 2023 on 18.08.2023.

It is the case of the petitioners that petitioner no.1 is a major, however, no credible age proof of petitioner no.1 has been filed and only her Aadhar Card has been annexed in the writ petition which is not a sufficient proof of age.

In view of the above, this Court finds no good ground to show interference as prayed in this petition.

The Writ Petition is, accordingly, **dismissed**.

Order Date :- 13.12.2023

Arnima