



2025:AHC:175677

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34444 of 2025

Smt. Sakshi Priya And Another

.....Petitioner(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bhoodev Yadav, Shiva Ji
Counsel for Respondent(s)	:	C.S.C.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for petitioners and learned Standing Counsel for the State-respondents.
2. By way of the present writ petition, a direction in the nature of mandamus directing the respondents not to interfere in peaceful marital life of petitioners, has been sought.
3. Learned counsel for the petitioners submits that both the petitioners are major and have solemnized marriage with each other of their own freewill according to Hindu Rites and Custom on 18.07.2025 and their marriage has also been registered on dated 01.09.2025 under the Uttar Pradesh Marriages Registration Rules, 2017 and for that they are being threatened and harassed by respondent nos.4 to 6 with the collusion of local police. Learned counsel for petitioners further submitted that in pursuance of the hindrances being created by respondent nos.4 to 6, petitioners moved a representation before Commissioner of Police, Commissionerate, Varanasi but no heed has been paid, hence this petition.
4. Per contra, learned Standing Counsel vehemently opposed the prayer sought through the instant petition by way of submitting that it is true that both the petitioners are major and have solemnized marriage which has also been registered but at the same time, it has been submitted that if the concerned police authorities are not paying any heed towards the grievances of petitioners, they may approach the learned court concerned by way of filing application under Section 175(3) BNSS for seeking direction in favour of concerned police authorities for lodging FIR against respondent nos.4 to 6

in pursuance of the threats which are being given by respondent nos.4 to 6 to the petitioners.

5. A precise query has been made before learned counsel for petitioners that whether any application under Section 175(3) BNSS for seeking direction in favour of concerned police authorities for lodging FIR against respondent nos.4 to 6, has been preferred, in reply to the same, learned counsel for petitioners fairly contended that no such application has ever been preferred.

6. After having the rival contentions raised by learned counsel for parties as well as perusal of the records, it is observed that no specific application in shape of information preferred before the concerned police authorities for lodging any FIR against any illegal conduct carried out by the private respondent, if that be so, and no heed has ever been paid by the concerned police authorities, there is no specific averment available in the petition that any case has been instituted in pursuance to Section 175(3) of BNSS.

7. In view thereof, the present petition stands **disposed of** with liberty to the petitioners to approach the concerned police authorities by way of preferring specific application for lodging FIR against any illegal conduct carried out by the private respondent.

8. Commissioner of Police, Commissionerate, Varanasi shall ensure that petitioners will not be harassed by local police in connection with the marriage solemnized by them.

9. Learned Standing Counsel shall intimate this order to Commissioner of Police, Commissionerate, Varanasi for necessary compliance.

September 26, 2025
Saif

(Saurabh Srivastava,J.)