

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 5746 of 2025

Petitioner :- Smt. Neha Devi And Another

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

Counsel for Petitioner :- Nitin Rastogi

Counsel for Respondent :- G.A.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Nitin Rastori, learned counsel for petitioners as well as learned Additional Government Advocate for the State.
2. It has been submitted by learned counsel for petitioners that petitioner Nos. 1 & 2 were in a relationship and have now married and are major. Petitioner No. 1 is 21 years while petitioner No. 2 is of 24 years on the basis of the certificate annexed in the present case.
3. The grievance of the petitioners are that despite the fact that they have entered into a matrimonial alliance on 21.06.2025 according to Hindu rites and rituals and certificate of marriage has been issued by the Pragatisheel Hindu Samaj trust has also been annexed, a first information report has been lodged by the brother of the petitioner No. 1 U/S 137(2) or 87 of BNSS, 2023 in pursuance of which the police are harassing the petitioners and threatening to arrest them.
4. It has been submitted that statements of petitioners have not been recorded and they are alleging harassment at the hand of police who are attempting to arrest the petitioners. It has also been submitted that petitioners are major and have a fundamental right to choose the life partners and accordingly they have also entered into a matrimonial alliance and in the aforesaid circumstances a prayer has been made to quash the first information report registered as Criminal Case No. 456/2025 U/S 137(2), 87 of B.N.S.S., 2023 at Police Station Mohammadi, District - Lakhimpur Kheri.
5. Considering the aforesaid submissions and as per the martial adduced in the petition, we find prima facie the petitioners are major and in case they are so they certainly have a right to choose life partners and hence we find that sufficient ground for

interference is made out. Accordingly to verify of the aforesaid facts, let respondent No. 3 / Station House Officer, Police Station - Mohammadi, District Lakhimpur Kheri is directed to produce petitioner No. 1 before the concerned Magistrate for recording her statement U/S 183 of B.N.S.S. within next one week and once the statement U/S 183 of B.N.S.S. is recorded, he is further directed to conclude the investigation in the matter expeditiously, say, within a period of four weeks from the date statement U/S 183 of B.N.S.S. so record.

6. It is further provided that till submission of the police report before the court concerned, no coercive action shall be taken against the petitioners in pursuance of Criminal Case No. 456/2025 U/S 137(2), 87 of B.N.S.S., 2023 at Police Station Mohammadi, District - Lakhimpur Kheri. Needless to say that this order is subject to cooperation by the petitioners during investigation.

7. With the above observations / directions, the writ petition stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

(Alok Mathur, J.)

Order Date :- 27.6.2025

Ravi/