HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5251 of 2026

Khushnuma Bano And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home Lko.
And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shivam Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 9

HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE ZAFEER AHMAD, J.

1. Heard Sri Asim Mishra, Advocate holding brief of Sri Shivam Mishra, learned counsel for the petitioners and Sri Vipul Kumar Singh, learned Standing Counsel for the State.

2. Issue notice to opposite party no. 4, returnable at an early date.

3. Steps be taken within a week.

4. Office to proceed accordingly.

5. By means of this petition, the petitioners have prayed that a direction may be issued to the opposite party no. 3 not to harass and arrest the petitioners.

6. The facts of the present case are that both the petitioners are major, are in relation and have been living together as husband and wife. Since, their religion are different, therefore, they could not marry as on today but are willing to get married at the earliest by filing an application under the Special Marriage Act, 1954.

7. Learned counsel has stated that if two major persons are willing to get married, no one should be permitted to create any hindrance in their peaceful life.

8. Prima facie, the submission of the learned counsel for the petitioners appears to be appropriate but no such application has been filed showing that

they have applied for their marriage before the competent authority of Special Marriage Act. Therefore, both the petitioners are permitted to file an application before the competent authority of Special Marriage Act within a period of 15 days from today and complete all formalities and if such formalities are completed strictly in accordance with law, any appropriate decision may be taken by the competent authority, strictly in accordance with law.

9. List this case on 13.07.2026.

10. On that date both the petitioners shall appear in person along with the photocopy of the documentary proof showing that they have applied before the competent authority under the Special Marriage Act. If any appropriate order is passed by the next date of listing, the same shall also be shown to the Court.

11. Till the next date of listing, no one, be it private person or Police authorities, would be permitted to interfere in the peaceful life of the petitioners but it is made clear that if by the next date of listing, the petitioners do not apply before the competent authority of Special Marriage Act, this interim protection may be withdrawn.

May 29, 2026
Anurag

(Zafeer Ahmad,J.) (Rajesh Singh Chauhan,J.)

Digitally signed by :-
ANURAG SINGH
High Court of Judicature at Allahabad,
Lucknow Bench