2026:AHC-LKO:40270-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5445 of 2026

Afsar And Another

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Manish Kumar Verma, Suhail Kashif
Counsel for Respondent(s)	:	G.A.

Court No. - 10

HON'BLE ABDUL MOIN, J.
HON'BLE MRS. BABITA RANI, J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State-opposite parties.

2. In view of the order proposed to be passed, notice to opposite party no.4 is dispensed with.

3. Instant writ petition has been filed seeking a writ of mandamus directing the opposite parties Nos.2 & 3 to provide protection to the petitioners so that the life and liberty of the petitioners could be safe along with a further prayer to restrain the opposite party no. 4 not to disturb the peaceful life of the petitioners under live-in-relation.

4. The contention of learned counsel for the petitioners is that both the petitioners are major and they are in live-in relationship on their own volition. In support of the petitioners being major, the petitioners have annexed copies of their Aadhar Cards as annexure No.1 to this petition, from which it emerges that the petitioners are major. It is contended that opposite party No.4 is not happy with the live-in relationship and, as such, he is creating hindrance in the peaceful live-in relation of the petitioners. Further, learned counsel for the petitioners in the writ petition duly supported by an affidavit has stated that both the petitioners are major. Learned counsel has further stated that no First Information Report has been registered against the petitioners in this regard.

5. In this regard, it would be apt to refer the judgment of Hon'ble Supreme Court in the case of ***Nandkumar & Anr vs State of Kerala & Ors : (2018) 16 SCC 602***, wherein the Apex Court has observed as under:-

"10. .... For our purposes, it is sufficient to note that both Appellant 1 and Thushara

are major. Even if they were not competent to enter into wedlock (which position itself is disputed), they have right to live together even outside wedlock. It would not be out of place to mention that live-in relationship is now recognised by the legislature itself which has found its place under the provisions of the Protection of Women from Domestic Violence Act, 2005."

6. Considering the aforesaid, the writ petition is disposed of with a direction to the opposite parties not to interfere in peaceful life and liberty of the petitioners in any manner.

7. It is made clear that if any F.I.R. is already registered on the issue, the order passed by this Court shall automatically stand discharged.

8. It is however made clear that this Court has not entered into nor adjudicated the age of the petitioners nor veracity/validity of the live-in relation.

9. At this stage, learned AGA on the basis of instructions sent by Sri Raghvendra Singh, Sub Inspector, Police Station-Jankipuram, District- Lucknow dated 21.05.2026 states that the Missing Report dated 01.06.2026 has been lodged by the respondent no. 4 for the petitioner no. 1.

10. Considering the aforesaid, the petitioner No.1 shall appear before the concerned person on 11.06.2026 for recording of her statement failing which the petitioners would not be entitled to the benefit of this order.

June 4, 2026
Raj

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

Digitally signed by :-
RAJ NIGAM
High Court of Judicature at Allahabad,
Lucknow Bench