

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 5035 of 2023

Petitioner :- Supankshi Gautam And Another

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

Counsel for Petitioner :- Pankaj Verma, Kuldeep Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed for a writ of mandamus commanding the opposite parties to protect the married life of the petitioners as both are major.

Learned A.G.A on the basis of instructions has stated that there is no complaint or FIR lodged by the petitioners and they are not being harassed by the local police concerned.

It has been alleged that petitioners have entered into matrimonial relationship being above the age of majority. The grievance of the petitioners in the writ petition is that personal liberty of the petitioners is unduly interfered with by the police authorities without there being any complaint or F.I.R. lodged against them. The position in law as laid down by Apex Court in paragraph 17 of the case of **Lata Singh Vs. State of U.P. and another, 2006 (5) SCC 475** reads as under:-

"17..... We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a women or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

The petitioners have also pleaded for protection under Article 21 of the Constitution of India which guarantees personal liberty to lead life freely in a dignified manner.

The petition is, therefore, disposed of with a direction to the opposite parties not to interfere in the peaceful life and personal liberty of the petitioners in any manner.

Order Date :- 30.6.2023

Shahnaz