

Court No. - 76

Case :- WRIT - C No. - 28885 of 2024

Petitioner :- Smt Rajpoot Sanchita And Another

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Parvesh Kumar Pandey, Sarvesh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vinod Diwakar, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State-respondents, and perused the record.
2. The instant petition has been preferred by the petitioners seeking direction to the police/respondents to take appropriate measures to protect the petitioners' lives and property. The petitioners claim to have married on 8.8.2024 in Arya Samaj Sansthan, Prayagraj in presence of Shri Mahendra Kumar Pandey and Shri Indresh Kumar Saroj.
3. The learned counsel for the petitioners submits that both petitioners are major and married according to Hindu law, meeting the requirements of Section 5 of the Hindu Marriage Act, 1955. He further states that the petitioners have married against the wishes of their parents, and therefore, face serious threats to their lives and property from their respective parents.
4. Under these circumstances, this Court directs the Superintendent of Police, Fatehpur to assess the threat to the petitioners' lives and property from their respective parents and relatives, and take appropriate legal measures to ensure the petitioners' protection upon their request and submission of a copy of this order. Otherwise, Article 21 of the Constitution of India also mandates

that no person shall be deprived of his life or personal liberty except according to the procedure established by law.

5. It is clarified that this Court has not adjudicated the validity of the alleged marriage or any other related issues. The police have the liberty to verify the Aadhar Card, Certificate-cum-Marksheet issued by the Educational Board, Marriage Certificate issued by Arya Samaj Mandir, contents of affidavits, documents proving the petitioners' ages, or any other documents as mandated by law to meet the requirements of Section 5 of the Hindu Marriage Act to test the ***petitioners' bona fides***. For clarity the Section 5 of the Hindu Marriage Act is reproduced herein below:

"5. Conditions for a Hindu marriage.-

A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:-

(i) neither party has a spouse living at the time of the marriage;

(ii) at the time of the marriage, neither party-

(a) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or

(b) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

*(c) has been subject to recurrent attacks of insanity [***];*

(iii) the bridegroom has completed the age of [twenty-one years] and the bride the age of [eighteen years] at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship, unless the custom or usage governing each of them permits of a marriage between the two;

(v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;

*(vi) [***]."*

6. However, if it is found that any false information has been provided in this writ petition to mislead the Court or any incorrect/false information has been mentioned in the protection

request application to the police, the respondents/police are at liberty to take appropriate legal action against the petitioners in accordance with the law.

7. The details of the petitioners mentioned in the memo of parties to the instant writ petition are outlined herein below for ready reference and record of police:

"1. Smt Rajpoot Sanchita, w/o Mahendra Singh, d/o Amar Singh, r/o Village Itra, P.S. Chandpur, District Fatehpur,

2. Mahendra Singh, s/o Jayraj Singh, r/o Village Itra, Bapsaura, P.S. Chandpur, District Fatehpur"

8. With the aforesaid observations, the instant petition stands disposed of.

Order Date :- 28.2.2025

Ujjawal

Justice Vinod Diwakar