

Court No. - 76

Case :- WRIT - C No. - 37790 of 2024

Petitioner :- Smt. Najiya And Another

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Najakat Ali

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 3.11.2024 in Village Hasanpur Meerganj, Bareilly in presence of Asif. The marriage was performed by Muhammad Kamil Kayami.
3. The learned counsel for the petitioners submits that both petitioners are major and married according to Muslim law. 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, Rampur 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, contents of affidavits, documents proving the petitioners' ages, or any other documents to test the ***petitioners' bona fides***.

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. Najiya, w/o Aasim, d/o Sri Mehboob Shah,

2. Aasim, s/o Asraf Ali,

Both resident of Village Khandiya, Khaud, District Rampur, U.P. "

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

Order Date :- 28.2.2025

Ujjawal

Justice Vinod Diwakar