

Court No. - 5

Case :- WRIT - C No. - 27234 of 2020

Petitioner :- Smt. Shaista Parveen Alias Sangeeta And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sushil Kumar Tewari

Counsel for Respondent :- C.S.C.

Hon'ble Saral Srivastava,J.

The petitioners have preferred this writ petition for a direction upon the respondents not to interfere in their married life and also for protection of their lives and liberty.

The petitioners claim that they are adults and living together out of their own freewill. It is stated that for the said reason, respondent no. 4 and his other family members have got annoyed and there is serious danger to the lives of the petitioners as they are being threatened and harassed.

In support of their age, the petitioner no. 1 has brought on record her High School Marks Sheet and petitioner no. 2 has brought on record his Aadhar Card, wherein the date of birth of the petitioner no. 1 is shown as 20.06.1998 and that of petitioner no. 2 as 20.03.1997. Thus, it appears from the record that both the petitioners are major.

Petitioner no. 1 has decided to follow the Muslim religion and as such, she converted herself to being Muslim. After conversion, the petitioner no. 1 has solemnized marriage with petitioner no. 2.

Both the petitioners claim to be major and they allege there is threat of their lives by respondent no. 4.

The Court has repeatedly held that where the two individuals having attained the age of majority, are living together, nobody is entitled to interfere in their peaceful life.

In **Lata Singh vs. State of UP 2006 Cr.L.J. 3312**, while dealing with a case of harassment by the parents of the boy and girl, who had entered into inter-caste marriage, Hon'ble Supreme Court has issued directions to the Administration/Police authorities throughout the country in the following terms:-

"This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage

the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. 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 woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one 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."

In Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396
Hon'ble Supreme Court held in paragraph 28 and 29 as under:-

"28. Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. We have held in Lata Singh case that there is nothing "honourable" in "honour" killings, and they are nothing but barbaric and brutal murders by bigoted persons with feudal minds. In our opinion honour killings, for whatever reason, come within the category of the rarest of rare cases deserving death punishment. It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilised behavior. All persons who are planning to perpetrate "honour" killings should know that the gallows await them.

29. Let a copy of this judgment be sent to the Registrars General/ Registrars of all the High Courts who shall circulate the same to all the Judges of the Courts. The Registrars General/ Registrars of the High Courts will also circulate copies of the same to all the Sessions Judges/ Additional Sessions Judges in the States/Union Territories. Copies of the judgment shall also be sent to all the Chief Secretaries/ Home Secretaries/ Directors General of Police of all States/ Union Territories in the country. The Home Secretaries and Directors General of Police will circulate the same to all SSPs/SPs in the States/Union Territories for information."

In the aforesaid backdrop, the petitioners have approached this Court seeking protection for their lives from the respondent no. 4.

The respondent no. 2, i.e., Superintendent of Police, Bijnor is directed to look into the grievance of the petitioners and provide protection, if necessary.

Put up this case on **08.02.2021** in the additional cause list, by which date the petitioner no.2 will present before the Court with a Fixed Deposit receipt of Rs. 3,00,000/- in favour of the petitioner no.1.

Order Date :- 6.1.2021
Sattiyarth