

(2012) 01 AHC CK 0558
In the Allahabad High Court
Case No : Misc. Bench No. 585 of 2012

Guddu and Another	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 23-01-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2012) 01 AHC CK 0558

Hon'ble Judges : Rajiv Sharma, J;Ajai Lamba, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

1. Heard learned Counsel for the petitioners and learned Additional Government Advocate.

2. Under challenge in this writ petition is First Information Report relating to Case Crime No. 960 of 2011, under Sections 363/366 IPC, police station Nighashan, district Lakhimpur Kheri, as contained in Annexure No. 1 to the writ petition.

3. Counsel for the petitioners submits that as petitioner No. 1 and complainant's daughter Km. Neelam, being major, have got married with each other against the wishes of complainant opposite party No. 4, who is the father of Km. Neelam and since then, they are enjoying their relationship but the opposite party No. 4 has lodged impugned FIR, implicating therein the petitioners illegally. He has relied upon the judgment of the Apex Court in the case of Lata Singh v. State of U.P. and another [2006 (5) ALJ 357], wherein in para-17, the Apex Court observed as under:

... In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. 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

intercaste 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....

4. Prima facie, a case for interim relief is made out.

5. Learned Additional Government Advocate prays for and is accorded four weeks" time to file counter affidavit. Rejoinder affidavit may be filed within next two weeks.

6. Issue notice to opposite parties No. 4 returnable at an early date.

7. List the matter immediately after service.

8. Till the next date of listing, the petitioners shall not be arrested in the aforesaid case crime number. However, investigation of the case shall go on and the petitioners shall co-operate with the investigation.