
(2015) 05 AHC CK 0239
In the Allahabad High Court
Case No : Writ-C No. 33895 of 2015

Shashi Kant

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 29-05-2015

Acts Referred:

Citation : (2015) 111 ALR 905

Hon'ble Judges : M.C. Tripathi, J

Bench : Single Bench

Advocate : Ashish Gupta, for the Appellant

Final Decision : Disposed off

Judgement

M.C. Tripathi, J—Heard learned Counsel for the petitioners and learned Standing Counsel for the State respondents. By means of present writ petition, the petitioners have prayed for direction in the nature of mandamus directing the respondents not to interfere in their peaceful matrimonial life.

2. Learned Counsel for the petitioners submits that the petitioners are major and have solemnized their marriage with each other according to Hindu Rites and Custom on 29.4.2015. No F.I.R. has been registered against them.

3. Both the petitioners are present in the Court and are identified by learned Counsel appearing for the petitioners.

4. The petitioners claim to be adults and married to each other of their own freewill, and for that they are being threatened and harassed.

5. In Lata Singh Vs. State of U.P. and Another, AIR 2006 SC 2522 : (2006) CriLJ 3309 : (2006) 6 JT 173 : (2006) 144 PLR 218 : (2006) 6 SCALE 583 : (2006) 5 SCC 475 : (2006) 3 SCR 350 Supp : (2006) AIRSCW 3499 : (2006) 5 Supreme 266 , 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."

6. In Bhagwan Dass Vs. State (NCT) of Delhi, AIR 2011 SC 1863 : (2011) CriLJ 2903 : (2011) 2 Crimes 266 : (2011) 6 JT 345 : (2011) 2 RCR(Criminal) 920 : (2011) 5 SCALE 498 : (2011) 6 SCC 396 : (2011) 2 UJ 1770 : (2011) AIRSCW 2867 : (2011) 3 Supreme 729 , 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 behaviour. 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."

7. In view of the above, the writ petition is finally disposed of with the direction that the petitioners are at liberty to live together and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the

concerned Senior Superintendent of Police or Superintendent of Police with a certified copy of this order, who shall provide immediate protection to the petitioners.

8. Both the petitioners are directed to appear before the Registrar of Marriages, District Etawah for registration of their marriage within two weeks from today, failing which this order stands automatically vacated. However, this order in no way expresses opinion about the validity of their marriage and genuineness of their marriage certificate. This order shall not protect the petitioners against any action or proceedings pursuant to any F.I.R. or complaint case against him/her/them.