

(2013) 01 AHC CK 0126

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 311 of 2013

Smt. Nandini and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 07-01-2013

Acts Referred:

Citation : (2013) 1 ADJ 591

Hon'ble Judges : Shiva Kirti Singh, Acting C.J.; Dilip Gupta, J

Bench : Division Bench

Advocate : Narayan Singh Kushwaha, for the Appellant;

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the writ petitioners and learned counsel for the State.

Petitioners have annexed documents and educational certificates in support of their plea that both are adults and have married each other of their own freewill.

This case is not different from large number of similar cases coming to this Court wherein young girl and boy claim to be adults and raise a grievance that they have married or are living with each other of their own freewill and for that, they are being threatened and harassed by parents of one or other party generally in connivance with or with support of local police.

2. In cases where criminal case is lodged by parents of girl alleging that she is a minor or she has been kidnapped for immoral purposes, Police has a duty to investigate the case seriously, so that no crime is committed against a young girl, but in other situation, where the girl is adult and has chosen to live as wife with another adult of her own freewill, the Police is required to give due protection and ensure that no harm is caused to such young couple only because the parents do not approve the decision of their children to marry as per their choice although the children have become adults. Disposal of writ petition in such

cases may not be construed as grant of certificate by this Court that the alleged marriage is valid and in accordance with law, but nonetheless where girl and boy are adults and they are living together of their own freewill, the Police must give due protection after making enquiry in respect of claim of their age. Once the girl and boy are found to be adults, it is the duty of the Police as well as the Civil Society to ensure that they are not put to fear of their lives or liberty.

In the present case, both the petitioners have claimed to be adults and married to each other of their own freewill. The writ petition is, therefore, disposed of with liberty to petitioners to approach the concerned Superintendent of Police or Senior Superintendent of Police with a certified copy of this order, so that petitioners are not threatened or tortured by any person, even if they happen to be the parents of petitioners, against law.