



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 7567 of 2026

Madan And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Srees Kumar Srivastava
Counsel for Respondent(s)	: G.A., Asit Srivastava, Prince Singh, Rajeev Kumar Mishra Rudra, Rajiv Raman Srivastava, Rajiv Srivastava

Court No. - 10

**HON'BLE RAJNISH KUMAR, J.
HON'BLE MRS. BABITA RANI, J.**

1. In deference to the order dated 01.09.2026, respondent no. 4 is present in person before this Court.

2. Heard Shri Srees Kumar Srivastava, learned counsel for the petitioners and Shri Rajeev Raman Srivastava, learned counsel for respondent no. 4 as well as Shri Asit Srivastava, learned counsel for respondent no. 5 and learned A.G.A. for the State.

3. This writ petition has been filed seeking the following prayers:

"i) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned First Information Report lodged by the opposite party no.3 on the basis of false and fabricated facts on 16.04.2026 at Case Crime No. 123 of 2026, under section 137(2), 87 Bhartiya Nyaya Sanhita, (Erstwhile Section 363, 366 I.P.C.), Police Station Makhi, district Unnao, contained in Annexure No.1 to this writ petition; and

ii) Issue a writ, order or direction in the nature of Mandamus thereby directing the opposite parties no.1 and 2 not to take any action against the petitioner no.1 in connection to the impugned First Information Report lodged by the opposite party no.3 at Case Crime No. 123 of 2026, under section 137(2), 87 Bhartiya Nyaya Sanhita, (Erstwhile Section 363, 366 I.P.C.), Police Station Makhi, district Unnao, contained in Annexure No.1 to this writ petition; and"

4. Learned AGA points out that amendment has not been

incorporated by learned counsel for petitioners, regarding respondent No. 4, in compliance of order dated 01.09.2026 of this Court and respondent No 4 has not been impleaded through its Pradhan Prakash Pandey, and also word 'affiliated' has not been deleted from description of respondent no. 5.

5. Learned counsel for petitioners submits that mistake is inadvertent and he may be permitted to incorporate the necessary amendment regarding respondent no. 4 and deletion of word 'affiliated' from the description of respondent no. 5, to which respondents have no objection.

6. Accordingly, learned counsel for petitioners is permitted to do necessary amendment during course of the day.

7. This matter was initially taken up on 30.07.2026, when learned A.G.A. informed that petitioner no. 2 is minor and as per her educational certificate, her date of birth is 16.10.2008, but her marriage with petitioner no. 2 was got solemnized by respondent no. 4-Arya Samaj Shivkatra, Kanpur Nagar through its Pradhan Shri Prakash Pandey, showing her date of birth as 18.04.2007, on the basis of her Aadhaar card. Therefore, the marriage of the petitioners is in gross violation of not only law but substantial principles and very foundation of Arya Samaj, which was itself established to eradicate the social evil of child marriage.

8. Keeping in view the submissions made by learned A.G.A., we directed respondent no. 4 to appear before this Court in person along with complete record to show cause as to how the marriage was solemnized between the petitioners without verifying the age of the petitioners and without obtaining the educational certificate of the petitioners in this regard. It was also observed in the order dated 30.07.2026 that the marriage solemnized by respondent no. 4, being child marriage, comes within the precincts of the offence itself, therefore, respondent no. 4 was directed to show cause as to why the institution should not be restrained from solemnizing alike marriages in future.

9. Vide the order of this Court dated 30.07.2026, the directions were also issued to respondent no. 5, which is the principal body of respondent no. 4, to appear and explain the reasons in issue emerged in the subjected marriage.

10. On 07.08.2026, respondent nos. 4 and 5 appeared before this Court in person and respondent no. 5 fairly admitted that he found the severe irregularities in some of the branches of the institution since his election as Secretary and has undertaken to formulate fresh guidelines to answer the creeping irregularities.

11. Respondent no. 4 produced the record pertaining to solemnization of marriages of the spouses including the register wherein the particulars of the parties were maintained. He also produced the marriage certificate at Serial No. A-14758 issued already by him on 02.05.2023, wherein marriage of one Nidhi and Anoop was performed and on the basis of the said certificate dated 02.05.2023, he submitted that the marriage certificate in the subjected petition bearing Serial No. A-14758 showing the marriage between petitioners, is forged. Respondent no. 4 further kept on submitting that the marriage certificate dated 23.07.2026 pertaining to petitioners was neither issued by him nor the certificate bears his signature. Therefore, on the basis of the submission made by respondent no. 4, this Court directed the petitioners to file the original certificate of marriage on the next date of hearing.

12. Thereafter, the case was taken up on 10.08.2026 and petitioners as well as respondent no. 4 appeared before Court. At the very outset, petitioners stated that they met Shri Prakash Pandey (Rangesh) on the gate of District court, Kanpur Nagar for their marriage, who gave them his visiting card, which was produced and taken on record. They further produced the original marriage certificate showing to be issued by respondent no.4 and photographs of marriage, in which the brother and father of petitioner no. 1 were also seemed to be present at the time of marriage. Both petitioners further stated that in marriage the

"Saptadi" was not undertaken and marriage was got solemnized by respondent no. 4 merely by exchange of garlands, putting vermilion and photographs. They further identified respondent No. 4 and stated that the marriage was performed by him after receipt of payment of Rs. 15,000/- . However, this fact was rebutted / contradicted by respondent no. 4 and vehemently refused, stating that neither he knows the petitioners, nor he issued the marriage certificate in favour of them and stated that although he is Pradhan of Arya Samaj Pratinidhi Sabha Katra, but he is not practicing lawyer and presently dealing with a private job in Uma Shankar Mishra and Company in Naubasta Galla Mandi, Kanpur. Moreover, he refused his visiting card, however, he did not refuse his address and phone number printed on visiting card.

13. Hence, a moot question emerged that who, how and when the marriage of a minor was performed and to deal with the questions, we directed District Judge, Kanpur Nagar to make an inquiry as to whether the marriage was solemnized in a chamber situated at District Court, Kanpur, the address of which is given in the visiting card and same was got done by respondent No. 4 and petitioners and respondent no. 4 were directed to appear before the District Judge, Kanpur Nagar on the date and time fixed by this Court.

14. In compliance of the order, the District Judge, Kanpur Nagar submitted a report dated 19.08.2026, in which he found that Shri Prakash Pandey, Pradhan of respondent no. 4, was the person, who solemnized the marriage in his chamber in District Court Complex Kanpur Nagar. In the detailed inquiry conducted by District Judge, Kanpur Nagar, it emerged that petitioner no. 1, who was later on arrested and sent to jail, was summoned from the jail itself and asked to independently identify the place where the marriage had taken place. The petitioner no. 1 along with District Judge, Kanpur Nagar/Inquiry Officer, Secretary, Bar Association, Kanpur Nagar and Lawyers Association as well along with respondent no. 4 and some others, walked through to the chamber pertaining to respondent no. 4. During the entire procedure, one glaring fact also emerged on record that the chamber in which

petitioner no. 1 reached and identified the same as the place where the marriage was solemnized, the shutter of the specific chamber was repainted and a flexi board of some advocate was installed on it, however, when the flexi board was removed from the shutter of the chamber, petitioner no. 1 again identified that chamber where marriage had taken place, from its description as well as the broken floor of the entrance gate of the chamber. During the entire process, the petitioner no. 1 also identified the photostat shop and the person, who was operating that specific shop, indicating that he got the photocopies of some of the papers done from that particular shop.

15. On being identified by petitioner no. 1, respondent no. 4 subsequently appeared before District Judge, Kanpur Nagar in his Chamber stating that he had sold out his chamber in the year 2021 to some other advocate and since 2021, he was not the owner and in possession of the said chamber.

16. After the entire exercise adopted by District Judge, Kanpur Nagar, he reached the conclusion that the chamber identified by petitioner no. 1 was in close proximity to that of the address mentioned on the visiting card, which was provided to petitioner no. 1 by respondent no. 4.

17. After analyzing the entire facts and circumstances, the learned District Judge finally held that the marriage of petitioners was solemnized in the chamber being operated by respondent no. 4. On receipt of the above inquiry report, this Court passed the order dated 01.09.2026, which on reproduction reads as under:

"5. As per the report, the marriage has been solemnized in an Advocate chamber in the court premises and on the top of the shutter roll, the name of Sri Prakash Pandey was written(which is a box type flat metal item). However, subsequently respondent no.4 appeared in the chamber of the District Judge and informed that he had sold the chamber to Sri Vikas Kumar Gaur, Advocate in the year 2021. It has also been informed by petitioner no.1 that shutter was not painted, when the marriage was solemnized, whereas now the shutter is fresh painted.

6. In view of above, it is a serious matter and strict action is liable to be taken in the matter. However, before that, we need it appropriate to afford opportunity to the respondent no.4.

7. Let a copy of the enquiry report dated 29.08.2026 of District Judge, Kanpur Nagar alongwith annexures be supplied to the respondent nos. 4 and 5 within 24 hours.

8. As prayed by learned counsel for the respondent no.4, list on 08.09.2026 on which date respondent no.4 shall appear in person.

9. In the meantime, learned counsel for the respondent no.5 shall also seek instructions in the matter and as to what action is being proposed.

10. In view of the report of the District Judge, Kanpur Nagar, the Arya Samaj, Shivkatra, Kanpur Nagar is restrained from performing any kind of rituals(sanskar).

11. The report of the District Judge, Kanpur Nagar in sealed cover was opened, which shall be sealed again,as photocopy of the same is already on record.

12. It is further provided that the District Judge, kanpur Nagar shall ensure that no marriage is performed in the court premises and chambers of advocates.

13. The name of Sri Rajiv Raman Srivastava,Advocate shall be shown as counsel for the respondent in the cause list.

14. Let a copy of this order be forwarded to the respondent nos.4,5 and District Judge, Kanpur Nagar forthwith."

18. Hence, we notice that the marriage of the petitioner was solemnized by respondent no. 4 so-called Pradhan of Arya Samaj Pratinidhi Sabha Katra despite the fact that petitioner no. 2 was minor at that time.

19. Circumstances also make it clear that the marriage was solemnized only on the basis of production of Aadhaar Card by the petitioners and respondent no. 4 put no effort to get the age of the petitioner no. 2 verified from her academic records. Therefore, the act done by respondent no. 4 squarely comes within the precincts of child marriage, which is a punishable offence in itself. Thus, we briefly outline the entire matter and summarize the involvement of

respondent no. 4 as follows:-

Admittedly the petitioners who appeared before this Court in person specifically submit that the respondent no. 4 has got solemnized their marriage by exchange of garlands and putting vermilion and no Saptapadi was performed. Hence, in view of the judgment passed in the case of **Dolly Rani v. Manish Kumar Chanchal**, reported in **2024 SCC OnLine SC 754**, the marriage between the parties cannot be said to be solemnized and is void. There is no dispute that respondent no. 4 is an Advocate by profession, therefore, it cannot be assumed that he has no knowledge about the prevailing law i.e. precedents pertaining to marriage between two persons as well as Hindu rites and ceremonies. It should not be left mentioning here that the Arya Samaj has specifically formulated its rules regulations and principles for performing the Vivah Sanskar wherein Saptapadi is the sacrosanct of the marriage. However, respondent no. 4 has not adhered to any of the above-discussed facts and got the marriage solemnized between the petitioners. Moreover, both petitioners categorically stated in the presence of respondent no. 4 that they had paid Rs. 15,000/- to him for solemnization of their marriage. It appears that the sole objective of the respondent no. 4 was nothing more than exploiting the emotions of directionless children of this age and minting of money by preparing the forged marriage certificates on more than one serial number i.e. SI No. A-14758. This fact also emerged on record that earlier in the year 2023, another marriage on the same certificate bearing Serial No. A-14758 namely one Nidhi and Anup was solemnized and again the marriage certificate of the same serial number has been issued in favour of the petitioners. The fact is clear that respondent no. 4 has prepared the forged certificate on Serial No. A-14758, which was already issued to someone else in the year 2023. Although respondent no. 4 has refused before the Court that neither the marriage has been got solemnized nor the certificate has been issued by him in favour of the petitioners, however, the bare perusal of both the certificates that is certificate pertaining to the

year 2023 as well as annexed to this petition, both the certificates bear the same signature, therefore, it is established that respondent no. 4 has made false and untrue statements before this Court. He even stated before this Court that the certificate produced by petitioners is forged. The petitioners produced the visiting card in the name of respondent no. 4 showing him as an Advocate with his address of chamber as well as of residence and mobile number as well. On being confronted, respondent no. 4 admitted that phone number and his address are correctly mentioned on the visiting card. Therefore, there was no occasion for the respondent no. 4 to take the false plea before this Court. It appears that respondent no. 4 left no stone unturned to mislead this Court and therefore, this Court fortiori by the entire facts and circumstances and inquiry conducted by District Judge, Kanpur Nagar as well has reached to the conclusion that the marriage was solemnized only by respondent no. 4 and that too in his chamber in District Court, Kanpur Nagar. We also notice that after passing the order by this Court, respondent no. 4 played the new trick in order to erase the traces of his name on the chamber and also to mislead the petitioners and inquiry officer, who was directed by this Court to verify the fact-finding report. The entrance of the chamber was painted and a flexi board on the entrance was affixed but petitioner no. 1 not only identified the chamber, but also the respondent no. 4 and established the fact that marriage was solemnized in the chamber situated in District Court, Kanpur Nagar.

20. Hon'ble Supreme Court deprecated solemnization of alike marriages by an Advocate in his chamber and we need to mention the observation made by Hon'ble Supreme Court in **Ilavarasan vs. Superintendent of Police and others** reported in **2023 SCC OnLine SC 1120**, which is extracted as under.

"9. The Court also notices the observations made by the impugned order, with respect to the role of the advocates. The concerns voiced by the High Court are not entirely unfounded. Advocates or lawyers have many capacities- one being Officers of the Court. Therefore, they should not,

while acting as counsel or advocates or their capacity as advocates, undertake or volunteer to solemnize marriages. That can well result in Advocates chambers or offices turning out to be matrimonial "establishment"- a consequence never intended- or perhaps never contemplated by law. However, in their capacity as friends or relatives of the intending spouses, their role as witnesses cannot be ruled out."

21. In view of above, the act and conduct of respondent No.4 is not only disgraceful and demeaning to the noble profession of advocacy but he has also malign the judicial system by taking hefty amount in the name of marriage and solemnizing in the court premises that too in an illegal manner and issued forged certificate on a serial number of the concerned Institution, of which the marriage certificate was already issued in the year 2023 after marriage of other persons, therefore, appropriate action is required to be taken in the matter. Thus, we issue the following directions.

(i) The District Judge, Kanpur Nagar is directed to take appropriate action for a criminal prosecution against Sri Prakash Pandey (Rangesh), Advocate, Pradhan of respondent no. 4-Institution on the basis of inquiry conducted by him and the orders passed by this Court in the present petition in which his conduct is also recorded.

(ii) The District Judge, Kanpur Nagar shall ensure that no marriages are performed in Advocates' Chamber within the court premises and take appropriate actions against the persons, who are doing the same.

(iii) The respondent no. 4 is restrained from performing any kind of sanskar till further orders.

(iv) The Bar Council of Uttar Pradesh is directed to take appropriate action against Sri Prakash Pandey (Rangesh), Advocate for cancellation of his licence of practice and shall inform this Court of the action taken through a report within two months.

(v) Sri Prakash Pandey, (Rangesh), Advocate took hefty amount of Rs. 15,000/- from the petitioners but did not

even got the marriage solemnized in accordance with law and Hindu rites and rituals and even prepared and handed over a forged certificate to them, therefore, he shall deposit the said amount of Rs. 15000/- before the Senior Registrar of this Court, within a period of four weeks from today, failing which the same shall be recovered by the Senior Registrar as arrears of land revenue. On receipt of the said amount, the petitioners shall be informed and an amount of Rs. 15,000/- shall be transferred in the account of petitioner no. 1 on furnishing of his account details.

(vi) The respondent no. 5 is directed to take appropriate action against the respondent no. 4 as per rules and regulations/ policy framed / prevalent and submit a report to this Court.

22. List on 15.11.2026 for further hearing.

23. The concerned shall submit the report by the said date.

24. Let copy of this order be communicated to District Judge, Kanpur Nagar, respondent no. 4, respondent no. 5 and Bar Council of Uttar Pradesh, Prayagraj by Senior Registrar of this Court.

(Mrs. Babita Rani,J.) (Rajnish Kumar,J.)

September 8, 2026

Raj Nigam