



2025:AHC:170871

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 29141 of 2025

Md. Bin Qasim Urf Akbar And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mohd. Aslam Khan, Mohd. Mateen Khan
Counsel for Respondent(s)	: C.S.C.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Mr. Mohd. Aslam Khan, learned counsel for petitioners and Mr. Ashwani Kumar Tripathi, learned Additional Chief Standing Counsel for the State-respondent nos.1 to 3.

2. By way of the present writ petition, a direction in the nature of mandamus directing the respondents not to interfere in peaceful marital life of petitioners, has been sought.

3. Learned counsel for petitioners has submitted that both the petitioners are major which is apparent from the records appended along with instant petition in shape of High School Examination 2011 Certificate-cum-Marksheet by which it is crystal clear that date of birth of petitioner no.2 is 10.07.2003 and being a major, she is at liberty conferred by Constitution of India to perform marriage with anyone whosoever also attained the marriageable age irrespective of any section, class or religion. Learned counsel for petitioners has further submitted that petitioner no.1 pertains to Muslim community whereas petitioner no.2 although mentioned as Jainab Parveen @ Chandrakanta pertains to Hindu religion before performing marriage but on dated 22.02.2025, her conversion has been done and certificate of the same, is appended along with the petition available at page no.25, issued by Khanqahe Alia Arifia on dated 22.02.2025 wherein it has been mentioned that petitioner no.2 herself stated that she is adopting Muslim religion without any fear or pressure. Thereafter, on dated 26.05.2025, both the petitioners solemnized their marriage as per the rituals of Muslim law and a marriage certificate of dated 26.05.2025 attested by

concerned Quazi has also been issued.

4. Per contra, learned Additional Chief Standing Counsel for the State-respondents vehemently opposed the prayer sought through the instant petition on the basis of instructions received wherein it is crystal clearly mentioned that acceptance of Islam reduced in writing in shape of certificate dated 22.02.2025 issued by Khanqahe Alia Arifia, is a forged and fictitious document since as per the instructions, Secretary/Manager of Jamia Arifia, Saiyed Sarawan, Kaushambi, U.P. specifically submitted before concerned police authority that certificate dated 22.02.2025, has never been issued by their institution. Insofar as marriage certificate dated 26.05.2025 of the petitioners, attested by concerned Quazi and counter signed by Mutavalli of concerned mosque is concerned, the same has also been opposed but no specific instructions have been received on genuineness of the marriage certificate. The said instructions are taken on record.

5. After having the rival contentions raised by learned counsel for parties and perusal of the entire records, one thing is crystal clear that conversion on the basis of statement so recorded by petitioner no.2 which was reduced in writing, is a forged document which is also apparent from the instructions, cannot determine any of the essential ingredients as mentioned in the U.P. Unlawful Conversion Act wherein specific proceedings have already been defined and as such, marriage solemnized between the petitioners, is also not sustainable in the eye of law since as per the Muslim Law, marriage is a contract between the follower and believer of the same religion i.e. "**Islam**". Once, the conversion which took place in respect of petitioner no.2, is illegal, the consequential effect will automatically be blown off and as such as on today, petitioner nos.1 and 2 cannot be recognized as a married couple in the eye of law.

6. In compliance with the previous order, petitioner nos.1 and 2 appeared in person before this Court today and on specific query, petitioner no.2 submitted that she is at present residing with petitioner no.1 that too, under the forged and fictitious certificate which has been denied by the same institution and as such, both the petitioners are entitled to perform marriage under the Special Marriage Act since the unlawful conversion which has been submitted by petitioners through the instant petition, is not valid

7. On the basis of statement so recorded, the petitioner no.2 is intended to

perform marriage with petitioner no.1 and as such, both the petitioners are hereby directed to register their marriage under the Special Marriage Act which does not require any ritual of conversion.

8. It is specifically submitted by learned counsel for petitioners that office of Registrar, Special Marriages is not available at Ghazipur and as such, both the petitioners are permitted to apply before office of Registrar, Special Marriage, Prayagraj for registration of their marriage under the Special Marriage Act. However, it is made clear that till the receiving of the certificate issued under the Special Marriage Act, petitioner no.2 will be kept in Women Protection Home, Prayagraj, since petitioner no.2 is not willing to reside with her parents and expressed her consent for Women Protection Home.

9. Learned Additional Chief Standing Counsel is hereby requested to intimate this order to District Probation Officer, Prayagraj within two hours.

10. Registrar (Compliance) is also directed to intimate this order to District Magistrate, Prayagraj, Commissioner of Police, Commissionerate of Prayagraj and District Probation Officer, Prayagraj within two hours for issuing proper security and arrangements in favour of petitioner no.2 for placing her at Women Protection Home, Prayagraj.

11. Once it is crystal clearly proved that certificate dated 22.02.2025 which has been appended along with the instant petition is shape of conversion issued by Khanqahe Alia Arifia is a forged one, learned counsel for petitioners is hereby warned that in future, such type of certificate unless the same has not been verified by himself, may not be placed before concerned Court which itself is contrary to the law since as per the U.P. Prohibition of Unlawful Conversion of Religion Act, the certificate dated 22.02.2025, is prima facie apparent that the same is not a legal document and as such, exemplary cost of Rs.25,000/- is hereby imposed upon learned counsel for petitioners which shall be deposited in the Mediation and Conciliation Center, Allahabad High Court within 15 days from today, receipt of Rs.25,000/- issued by Mediation and Conciliation Center, Allahabad High Court shall be submitted before learned Registrar (Compliance) till 13.10.2025.

12. In case of failure to deposit the said amount by learned counsel for petitioners, Registrar (Compliance) shall recover the same as arrears of land

revenue through District Magistrate, Prayagraj.

13 Registrar (Compliance) is also directed to place the report regarding receiving of cost in the records by 16.10.2025.

14. Accordingly, the instant petition stands **disposed of**.

September 23, 2025

Vivek Kr.

(Saurabh Srivastava,J.)