



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21646 of 2025

Smt. Simaran And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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| Counsel for Petitioner(s) | : | Ashok Kumar Singh |
| Counsel for Respondent(s) | : | G.A. |

Court No. - 49

HON'BLE AJAY BHANOT, J.

HON'BLE GARIMA PRASHAD, J.

Shri Paritosh Kumar Malviya, learned A.G.A.-I on the basis of instructions available submits that the victim-petitioner no.1 in her statements under Sections 181 and 183 of the B.N.S.S. has categorically asserted that she has got married to the petitioner no.2 of her own free will. She has further asserted that she wants to stay in her marital home. She wants to sever all relations with her parental family. She has further asserted that both the petitioner No.1 and petitioner no.2 are majors.

Both the petitioner No.1 and petitioner No.2 have appeared in person before this Court.

The F.I.R. records that the petitioner No.1 is 23 years of age. The visual assessment of the age of the petitioner No.1 done by this Court also confirms that she is major.

The writ petition asserts that the petitioner No.1 and the petitioner no.2 are majors and have got married to their own free will. The F.I.R. is actuated by malafides

and is a result of opposition of the family members of the petitioner no.1 to the said marriage.

The petitioner No.1 and petitioner no.2 have filed their Aadhaar cards as proof of age.

The petitioner No.1 has stated before this Court that she is major and has got married to the petitioner no.2 of her own free will. She wants to stay in her marital home and is happily living there. The marriage between the petitioner no.1 and petitioner no.2 was solemnized in the teeth of the opposition of her family members.

The petitioner No.2 has made a similar statement. He claims to be about 32 years of age. He also submits that both the petitioner No.1 and the petitioner no.2 have got married to their own free will. The F.I.R. is the result of opposition of the family members of the petitioner no.1 to the said relationship.

The service of notice upon respondent no.4 is not complete.

The respondent No.4 shall appear before this Court on the next date of listing.

Learned Chief Judicial Magistrate, Agra shall ensure the service of this order upon the respondent No.4.

Personal appearance of the petitioner No.1 and petitioner No.2 is exempted.

This Court has noticed that the petitioner No.2 is a person with disability and suffers from locomotor disability which has led to substantial restriction of the movement of the limbs. The petitioner No.2 cannot move around freely without assistance. However, no

assistance was offered when he entered into the Court campus, and he arrived in the Court with great difficulty and despite the disability. The whole process of reaching the Court room was detrimental to the dignity of the person of the petitioner No.2.

However, after the Court noticed the disability of the petitioner No.2, a wheel chair along with assistance was promptly brought by the Registry for assisting him. It has been informed that the High Court has various facilities for persons with disabilities. Further, no information was provided to the competent authority of the High Court to facilitate access of available support systems to the petitioner No.2. Hence the delay in providing the wheel chair with the assisting staff to the petitioner No.2.

The Registry to place various measures and support systems available for persons with disabilities in the High Court.

The petitioner No.2 has battled his disability and joined the calling of public service. He has been elected as Sabhasad (Corporator) which is both a tribute to the triumph of human will over physical disability and also of Indian democracy. The petitioner No.2 runs a business of sale and purchase of junk material. The marriage between the couple is truly an instance of love transcending all barriers. The petitioner No.2 also claims that he is under threat from the respondent No.4 and family members of the petitioner no.1.

Deputy Commissioner of Police, Agra shall ensure that the issue of security of the petitioner no.2 who is a person of disability, is duly addressed by the local

police authorities as per law.

The State to file counter affidavit before the next date of listing.

In case counter affidavit is not filed on the next date of listing, the Court may summon the concerned Deputy Commissioner of Police, Agra in person before the Court.

Interim order to continue till the next date of listing.

Put up this matter on 10.12.2025 in the list of fresh cases at the top of the list for hearing and orders.

A copy of this order be sent to the learned Government Advocate as well as Commissioner of Police, Agra for compliance.

December 2, 2025

Ashish Tripathi

(Garima Prashad,J.) (Ajay Bhanot,J.)