

Court No. - 39

Case :- WRIT - C No. - 16336 of 2021

Petitioner :- Shifa Hasan And Another

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Satyendra Kumar Singh

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Deepak Verma,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

The petitioners claim that they are in love with each other and are living together out of their sweet will. They belong to different religion and the said fact is not acceptable to respondent no. 5, father of petitioner no. 1.

The categorical case of the petitioners is that both of them are major. It is alleged that date of birth of petitioner no. 1, as per High School mark-sheet is 25.06.2002 and that of petitioner no. 2 as per High School mark sheet is 20.08.1997 and thus, they are 19 and 24 years of age, respectively.

The petitioner no. 1 is stated to have filed an application for conversion from Muslim to Hindu on 17.02.2021. On the said application, the District Magistrate has called for a report from concerned police station according to which also both of them are major. It is also stated in the said report that father of petitioner no. 2 is not agreeable to the marriage whereas his mother is ready for the same. It is further stated that both the parents of petitioner no. 1 are also not agreeable to their marriage.

In the aforesaid background, the petitioners have approached this Court praying for a writ of mandamus commanding the State-respondents to provide security to the petitioners as they are apprehending threat to their life.

It cannot be disputed that two adults have right of choice of their matrimonial partner irrespective of religious professed by them. As the present petition is a joint petition by the two individuals who claims to be in love with each other and are major, therefore, in our considered opinion, nobody, not even their parents, could object to their relationship.

The writ petition is **disposed of** with direction to the third respondent to ensure that the petitioners are not subjected to any

harassment by respondent no. 5 or by any other person in connection with their relationship with each other. This order will, however, not be taken to mean that this Court has expressed any final opinion regarding the age of the petitioners as the findings are only prima facie in nature for the purposes of deciding the present controversy.

It is clarified that in case there is any F.I.R. registered against any of the petitioners, the instant order will not come in way of investigation.

(Deepak Verma,J.) (Manoj Kumar Gupta,J.)

Order Date :- 16.9.2021

Meenu