

**Court No. - 84**

**Case :-** WRIT - C No. - 7872 of 2024

**Petitioner :-** Roshani @ Roshani Yagyik And Another

**Respondent :-** State Of Up And 3 Others

**Counsel for Petitioner :-** Deena Nath,Deepak Kumar,Raj Rao

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mrs. Jyotsna Sharma,J.**

1. Sri Deana Nath, learned counsel for the petitioners and Sri Yogesh Kumar, learned standing counsel for the State are present.
2. This petition has been filed with a prayer to direct the respondents not to harass the petitioners or to interfere in the peaceful living of the petitioners in relationship and to protect their life and liberty.
3. Submissions of the petitioners are that they belong to different religions and have crossed the minimum age prescribed in law. In support of this fact they have filed copies of Aadhar cards and PAN cards with the supplementary affidavit which is filed today.
4. They submitted that they had liking for each other and decided to marry. However, law of conversion is posing hurdles in the path of their intended marriage, therefore, they decided to live in live-in-relationship and are staying as husband and wife since quite sometime. The family members of petitioner no.1 are not letting them live together and have been threatening both of them with dire consequences. They did not relent, therefore, petitioners applied to police authority at District Jalaun, but have not been given any protection till now.
5. Learned standing counsel submits that the petitioners cannot validly marry each other unless one of them converts to religion of other in accordance with provisions of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021 and that admittedly till now they have not applied to the concerned authority for lawful conversion. Further it is submitted that even for staying in live-in-relationship, they need to convert to one religion and in such circumstances law cannot provide them protection.
6. In my opinion, it is responsibility of the State to protect the common citizen in case they are facing threats in the hands of any person concerned or unconcerned. The police authorities are under obligation to protect their life. Further it is being observed that in case the petitioners bonafidely intend to marry each other and could not marry just because they have not followed law of conversion, even then it is still open for them to marry each other under the provisions of Special Marriage Act or to duly apply for conversion before the District Magistrate concerned at the earliest.
7. Keeping all the legal points involved herein as open, I find it fit to direct the respondent nos. 2 and 3 to see that meanwhile no harm to the life of the petitioners is caused by respondent no. 4 directly or indirectly.

8. Let notice be issued to respondent no.4 calling upon him to appear and file objection, if any.

9. List on 11.07.2024 in the additional cause list.

10. To show their bonafides, by next date of hearing the petitioners shall move an application for conversion before the District Magistrate concerned, in accordance with law or shall take steps for solemnizing their marriage under the provisions of Special Marriage Act and file documentary proof thereof with the supplementary affidavit.

**Order Date :- 27.4.2024**

Asha