



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 7309 of 2026

Neha And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	: Dheerendra Kr. Agnihotri, Vishnu Kant Awasthi
Counsel for Respondent(s)	: G.A.

Court No. - 10

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

1. Supplementary affidavit filed by learned counsel for the petitioners is taken on record.
2. This Court had passed the following order on 24.07.2026:-

"1. Heard Shri Dheerendra Kumar Agnihotri, learned Counsel for the petitioners and learned A.G.A. for the State.

2. Learned A.G.A. has raised a preliminary objection that as per Aadhar Card annexed as Annexure no.4 to the writ petition, petitioner no.2-Anand Kumar is aged about 19 years and as per Class-VII marksheet and Aadhar Card of petitioner no.1-Neha, she is also aged about 19 years and since the marriageable age of a male is 21 years, therefore, he could not have solemnized the marriage.

3. Learned Counsel for the petitioners submits that the petitioner no.2-Anand is aged about 22 years as per marriage certificate annexed as Annexure no.1 issued by the Head of Arya Samaj Mandir, Sector H, (Harsh Vihar Puraniya), Aliganj, Lucknow.

4. In view of above, the Head of Arya Samaj Mandir, Sector H, (Harsh Vihar Puraniya), Aliganj, Lucknow, shall appear in person on 28.07.2026 along with the complete record and to show as to on what basis, he solemnized the marriage of the petitioners and recorded the age of petitioner No. 2, Anand Kumar, as 22 years in the marriage certificate issued by him annexed as Annexure no.1 to the writ petition.

5. Learned A.G.A. shall ensure the presence of the Head of Arya Samaj Mandir, Sector H, (Harsh Vihar Puraniya), Aliganj, Lucknow, on the next date along with the complete records.

6. The Senior Registrar shall also communicate this order to the Head, Arya Samaj Mandir, Sector H, (Harsh Vihar Puraniya), Aliganj, Lucknow, who shall appear along with the complete records.

7. List on 28.07.2026. "

3. In deference to the order dated 24.07.2026, Sri Sankalp Mishra, Secretary of the Arya Samaj Mandir, Sector H (Harsh Vihar Puraniya), Aliganj, Lucknow is present in-person before this Court. He states that he is an advocate and Secretary of the aforesaid Institution. The Head of the Institution is aged about 88 years, who is his father, and not able to move, therefore, he is appearing in compliance of the aforesaid order. He produced a register, in which details of the persons, whose marriages have been solemnized in the Institution, have been mentioned. He also produced an affidavit given by the petitioners and the mother of the petitioner No.2.

4. On a query as to how the age of petitioner No.2 has been mentioned as 22 years in the marriage certificate dated 20.07.2026, whereas as per Adhar Chard of the petitioner No.2, his date of birth is 01.01.2007 and no other age proof has been placed on record, Sri Sankalp Mishra, Secretary of the Arya Samaj Mandir, Sector H (Harsh Vihar Puraniya), Aliganj, Lucknow states that mother of the petitioner No.2 had given an affidavit to the effect that he is aged about 22 years, however, no documentary proof was produced before the marriage, therefore, the marriage was got solemnized. However, on a further query as to how in absence of any documentary proof and without asking even for the Adhar Card, which has been made compulsory for every citizen, affidavit has been accepted, he fails to indicate any provision or rule, though he stated that the marriage is being solemnized by the Institution as per Section 94 of The Juvenile Justice (Care and Protection of Children) Act, 2015 but he fairly conceded that the affidavit is not permissible under the said provision and the marriageable age of the male is 21 years as per 'The Prohibition of

Child Marriage Act, 2006'.

5. The affidavits produced by the Secretary of the Institution indicate that all the affidavits, even the affidavit of the mother, are on printed proforma, which have been prepared, therefore, it appears that the proformas have been got prepared for affidavits of different kinds, so that the marriage may be solemnized in any case, if the persons approach to the Institution. The affidavit also indicates that the stamp papers of the affidavits have been purchased on 20.07.2026 at 07:49 PM, 08:05 PM and 07:55 PM respectively but learned counsel for the petitioners, on a query, fails to indicate that the marriage was solemnized in the night after the aforesaid time period.

6. The register, produced by the Secretary of the Institution, apparently indicates that it has been prepared by a single pen and in one and the same handwriting. On a query, the Secretary of the Institution states that all the information are entered into the said register by a person, who has been engaged by the Institution.

7. In view of above, it appears that the marriages are being solemnized in the aforesaid Institution even without verifying the age of the persons concerned and as to whether they are of marriageable age or not and if the marriage of persons, who are not of marriageable age is solemnized, all the concerned involved in the same, have committed crime.

8. Arya Samaj was founded by Swami Dayananda Saraswati. One of the beliefs and principles of the Arya Samaj is that one should be ever ready to imbibe truth and forsake untruth and the other is that all human beings should abide by the rules concerning social or everyone's benefit besides other beliefs and principles. However, it appears that some of Arya Samaj Institutions are not following them as it has been seen in several cases that the aforesaid beliefs and principles have not been followed. Present is one of the same kind.

9. So far as this petition is concerned, it has been filed with following prayers:-

"(i) a writ, order or direction in the nature of Mandamus, commanding the opposite party

no.1 to 3 not to harass the Petitioners on the behest of opposite party no.4, in the interest of justice.

(ii) Issue a writ, order or direction in the nature of Mandamus, commanding the opposite party no.1 to 3 to ensure protection of lives of the petitioner no.1 and the petitioner no.2.

(iii) Any other order or direction, which this Hon'ble Court may deems fit, just and proper looking into the facts and circumstances of the case.;

(iv) Allow the writ petition with costs in favor of the petitioners."

10. The petitioners have alleged in the petition that the local police is harassing the petitioners at the behest of opposite party No.4 only for the reason best known to the petitioners as they married with each other against the wishes of the opposite party no.4 and wants to disturb the matrimonial life of the petitioners. It has further been alleged that the petitioners met the concerned police station for their problem but no action has been taken and on application made before the Commissioner of Police on 20.07.2026, nothing has been done. It has further been alleged that the petitioners are living together peacefully and happily after their marriage but the opposite party No.4 wants to create unnecessary disturbance in the matrimonial life of the petitioners and the opposite party No.4 is threatening to kidnap the petitioners, thereafter, they had pleaded for protection in view of the judgment of the Hon'ble Supreme Court rendered in the case of **Lata Singh Vs. State of U.P. and another;** (2006) 5 SCC 475, which is available to the persons, who are major in age.

11. It is apparent from the marriage certificate and as discussed above that the marriage was solemnized on 20.07.2026 and a representation of the same date was prepared addressed to the Commissioner of Police, Commissionerate Lucknow, a copy of which has been annexed as Annexure No.5 to the writ petition. The said representation has been sent by speed post on 21.07.2026 at 10:32 hours from the High Court Post Office and the affidavit in support of the petition was sworn on the same date at 11:00 AM. The representation, contained in Annexure No.5 of the writ petition, indicates that the allegations levelled in the petition are not in the representation and only apprehension has been shown that the

parents of the petitioner No.1 may implicate her husband and family members in false case and they may also threat and make effort to send them behind bars. Thus, it is apparent that the petition has been filed merely on apprehension without any threat or coercion from anybody. The respondent/State has also not intimated about any threat to the petitioners at this stage. Even otherwise, in case of any threat or coercion from anybody, the petitioners could have approached to the concerned police station and higher authorities, who are required to take appropriate action in terms of aforesaid judgment of the Hon'ble Supreme Court in the case of **Lata Singh (Supra)**.

12. Thus, learned counsel for the petitioners shall implead the Arya Samaj Mandir, Sector H (Harsh Vihar Puraniya), Aliganj, Lucknow as respondent No.5 through Sri Sankalp Mishra, Secretary in the petition forthwith.

13. At this stage, Sri Sankalp Mishra, Secretary of respondent No.5 submits that it will not be done in future. However, looking to the facts and circumstances of the case and as it has happened earlier also, unless an undertaking is filed on affidavit with the norms, which are to be followed for solemnizing marriage by the Arya Samaj on record and that the marriages shall not be solemnized without verification of the age of the parties, the respondent No.5 can not be allowed to continue to solemnize the marriage.

14. Issue notice to respondent No.4.

15. Steps be taken within a week.

16. Counter affidavit be filed within three weeks.

17. Rejoinder affidavit be filed within a week thereafter.

18. List on 31.08.2026 in top 20 cases.

19. Until further orders of this Court, the respondent No.5/Arya Samaj Mandir, Sector H (Harsh Vihar Puraniya), Aliganj, Lucknow shall not solemnize any marriage and issue any marriage certificate.

20. The register and the affidavits, produced by the Secretary of the Arya Samaj Mandir, Sector H (Harsh Vihar Puraniya), Aliganj, Lucknow, shall be kept in a sealed cover by the Senior Registrar of this Court and produced before this Court on the date fixed.

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

July 28, 2026

Saurabh