



2026:AHC-LKO:53347-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 5022 of 2026

Kusum Maurya And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Deptt. Home Lko. And
Others

.....Respondent(s)

Counsel for Petitioner(s) : Saumya Shukla, Brijesh Kumar Pandey
Counsel for Respondent(s) : G.A.

Court No. - 10

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

1. This Court had passed following order on 26.05.2026:-

"1. Heard Ms. Saumya Shukla, learned counsel for the petitioners and Sri Bipul Kumar Singh, learned A.G.A for the State.

2. By means of this petition, the petitioners have prayed for following reliefs:-

i.a writ order or direction in the nature of Mandamus thereby commanding to the opposite parties specially to the police authorities not to harass petitioners in any manner and not to adopt any coercive process against the petitioners and not to create any hindrance in their life.

ii.a writ order or direction in the nature of Mandamus thereby commanding to the opposite parties not to harass petitioners under the threat of their arrest until and unless there is any criminal case registered against them.

3. Issue notice to opposite parties no.4 and 5.

4. Steps be taken within a week.

5. Office to proceed.

6. Ms. Saumya Shukla, learned counsel for the petitioners has submitted that both the petitioners are major in age and are living like husband and wife. However, on account of fear of private opposite parties who are the parents of the petitioners, they have not been able to solemnize their marriage as of today but if some protection is provided to them they shall solemnize their marriage forthwith.

7. The law is trite on the point that if two major persons are willing to marry each other, no one can prevent them from doing so, and no authority can create any hindrance in their peaceful living.

8. Both the petitioners are permitted to solemnize their marriage within one month by performing simple rituals or by following any procedure permissible in the society. Thereafter, they shall get their marriage registered before the Marriage Registration Authority within 15 days thereof.

9. List this case on 03.08.2026, as fresh.

10. On the next date, both the petitioners shall appear in person before this Court along with proof of registration of their marriage certificate.

11. Till the next date of listing, the petitioners shall not be harassed by any person be it private or any public authority including the police personnel.

12. However, it is made clear that if the petitioners do not follow the aforesaid directions of this Court, the protection granted herein may be withdrawn. "

2. In deference to the aforesaid order, the petitioners are present before this Court in-person.

3. Sri Brijesh Kumar Pandey, learned counsel for the petitioners submits that the petitioners could not get their marriage solemnized and registered in compliance of the aforesaid order dated 26.05.2026 because the petitioner No.2 is married and he has filed a divorce petition vide Suit No.220/2026, under Section 13 of the Hindu Marriage Act, 1955 before the Family Court, Balrampur. The petitioner No.2, who is present in-person, states that he has filed the aforesaid suit on 03.04.2026.

4. The aforesaid facts have neither been disclosed in the writ petition nor before the Court when the aforesaid order dated 26.05.2026 was passed and only a plea was taken that due to fear of private opposite parties, who are parents of the petitioners, they are not able to solemnize their marriage, however, if some protection is granted, they will solemnize their marriage. Considering it, since the petitioners wanted to marry, a co-ordinate Bench of this Court had granted protection and directed the petitioners to appear before this Court alongwith proof of registration of

their marriage.

5. It has also been informed that the petitioners are relative and the petitioner No.2 is maternal cousin of the petitioner No.1. On a query from the petitioner No.2 as to what he is doing, he states that he is doing labour work, whereas on being asked from the petitioner No.1, she informs that the petitioner No.2 has a computer shop. Thus, the petitioner No.2 also made a false statement.

6. In view of above, it is apparent that this petition has been filed with false affidavit and with material concealment. The interim order has also been obtained by concealing the fact and playing fraud with the Court, which is nothing but an abuse of process of the Court.

7. The Hon'ble Supreme Court, in the case of **Kishore Samrite Vs. State of Uttar Pradesh and Others; (2013) 2 SCC 398**, has recapitulated some of the principles that would govern the obligations of a litigant while approaching the court for redressal of any grievance and the consequences of abuse of the process of Court. The Hon'ble Supreme Court has held that the litigants, who, with intent to deceive and mislead the Courts, initiated proceedings without full disclosure of facts and came to the courts with 'unclean hands' are neither entitled to be heard on the merits of the case nor entitled to any relief. It has further been held that the Courts must ensure that its process is not abused and in order to prevent abuse of the process the court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the Court would be duty bound to impose heavy costs as the stream of justice should not be allowed to be polluted by unscrupulous litigants, because truth is the basis of justice delivery systems. The relevant paragraphs 32, 33 and 34 are extracted herein below:-

"32. The cases of abuse of process of court and such allied matters have been arising before the courts consistently. This Court has had many occasions where it dealt with the cases of this kind and it has clearly stated the principles that would govern the obligations of a litigant while approaching the court for redressal of any grievance and the consequences of abuse of process of court. We may recapitulate and state some of the principles. It is difficult to state such principles exhaustively

and with such accuracy that would uniformly apply to a variety of cases.
These are:

32.1. Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts and came to the courts with “unclean hands”. Courts have held that such litigants are neither entitled to be heard on the merits of the case nor are entitled to any relief.

32.2. The people, who approach the court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.

32.3. The obligation to approach the court with clean hands is an absolute obligation and has repeatedly been reiterated by this Court.

32.4. Quests for personal gains have become so intense that those involved in litigation do not hesitate to take shelter of falsehood and misrepresent and suppress facts in the court proceedings. Materialism, opportunism and malicious intent have overshadowed the old ethos of litigative values for small gains.

32.5. A litigant who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.

32.6. The court must ensure that its process is not abused and in order to prevent abuse of process of court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the court would be duty-bound to impose heavy costs.

32.7. Wherever a public interest is invoked, the court must examine the petition carefully to ensure that there is genuine public interest involved. The stream of justice should not be allowed to be polluted by unscrupulous litigants.

32.8. The court, especially the Supreme Court, has to maintain the strictest vigilance over the abuse of process of

court and ordinarily meddlesome bystanders should not be granted “visa”. Many societal pollutants create new problems of unredressed grievances and the court should endure to take cases where the justice of the lis well justifies it. (Refer : Dalip Singh v. State of U.P. [(2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324] , Amar Singh v. Union of India [(2011) 7 SCC 69 : (2011) 3 SCC (Civ) 560] and State of Uttaranchal v. Balwant Singh Chaufal [(2010) 3 SCC 402 : (2010) 2 SCC (Cri) 81 : (2010) 1 SCC (L&S) 807] .)

33. *Access jurisprudence requires courts to deal with the legitimate litigation whatever be its form but decline to exercise jurisdiction, if such litigation is an abuse of process of court. In P.S.R. Sadhanantham v. Arunachalam [(1980) 3 SCC 141 : 1980 SCC (Cri) 649] , the Court held : (SCC p. 148, paras 15-16)*

“15. The crucial significance of access jurisprudence has been best expressed by Cappelletti:

‘The right of effective access to justice has emerged with the new social rights. Indeed, it is of paramount importance among these new rights since, clearly, the enjoyment of traditional as well as new social rights presupposes mechanisms for their effective protection. Such protection, moreover, is best assured to be a workable remedy within the framework of the judicial system. Effective access to justice can thus be seen as the most basic requirement the most basic “human-right”—of a system which purports to guarantee legal rights.’

16. We are thus satisfied that the bogey of busybodies blackmailing adversaries through frivolous invocation of Article 136 is chimerical. Access to justice to every bona fide seeker is a democratic dimension of remedial jurisprudence even as public interest litigation, class action, pro bono proceedings, are. We cannot dwell in the home of processual obsolescence when our Constitution highlights social justice as a goal. We hold that there is no merit in the contentions of the writ petitioner and dismiss the petition.”

34. It has been consistently stated by this Court that the entire journey of a Judge is to discern the truth from the pleadings, documents and arguments of the parties, as truth is the basis of the justice-delivery system."

8. In view of above, this writ petition is liable to be dismissed with heavy cost.

9. The writ petition is accordingly **dismissed** with a cost of Rs.1,00,000/- (Rupees One Lakh only), which shall be paid by the petitioners jointly and severally, within four weeks from today before the Senior Registrar of this Court, failing which, the same shall be got recovered by the learned Senior Registrar as arrears of land revenue within a period of eight weeks through the District Magistrate concerned. In case the District Magistrate concerned fails to recover the aforesaid cost within the said period of eight weeks, learned Senior Registrar shall inform and submit a report to the Contempt Court, so that appropriate action may be taken against the petitioners and the District Magistrate concerned.

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

August 3, 2026
Saurabh