



2026:AHC-LKO:67598-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 9388 of 2026

Roopa Rani And Another

.....Petitioner(s)

Versus

State Of U.P. Through Principal Secretary Home
And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Devendra Pratap, Shashank Shekhar Singh
Counsel for Respondent(s)	: G.A.

Court No. - 9

**HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE RAM MANOHAR NARAYAN MISHRA, J.**

1. This petition has been filed through e-mode and learned counsel for the petitioners has provided photocopy of the hard copy. The same is taken on record.
2. Heard Sri Ayush Pratap Singh, holding brief of Sri Shashank Shekhar Singh, learned counsel for the petitioners and Ms. Meera Tripathi, learned AGA.
3. In view of the proposed order, notice to opposite party no.4 is hereby dispensed with.
4. By means of this petition, the petitioners have prayed for the following reliefs:-

"(i) Issue a writ, order, or direction in the nature of mandamus, commanding and directing Opposite Party Nos. 2 and 3 to take appropriate legal action against the O.P. no. 4 and to ensure that there is no interference in the peaceful marital life of the petitioners.

(ii) Issue a writ, order, or direction in the nature of mandamus, commanding and directing Opposite Party Nos. 2 and 3 to provide protection to the petitioners so that they may get their

marriage registered.

5. The case in hand is a unique case, where both the petitioners were husband and wife and on account of trivial disputes, they have filed application for mutual divorce under Section 13-B of the Hindu Marriage Act and obtained a decree of divorce. They are having two children. After sometime, they decided that they should re-marry in the interest of entire family. So, they again got married in Arya Samaj Temple on 02/04/2026 as marriage certificate has been enclosed as Annexure No. 1. The father of the petitioner No. 2 is not agreeable on such marriage. Therefore, the present petitioners are apprehensive that he may create any hindrance in their peaceful life. The aforesaid facts have not been disputed as the documents to that effect have been enclosed with the petition.

6. Be that as it may, since the petitioners were earlier husband and wife, having two children and after getting the decree of mutual divorce, they again re-married and living together along with their children, no one can create any hindrance in their peaceful life, be it a private person or a public person in light of the dictum of the Apex Court in **Lata Singh Vs. State of U.P. and another, 2006 (5) SCC 475**, the Apex Court in para-17 has observed as under:-

"17. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut-off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

7. Before parting with the case, we find it appropriate to observe that the pious institution of marriage should not be taken lightly and on account of some trivial dispute, taking steps to get mutual divorce and thereafter again remarrying when the couple is having two children is really a sorry state of affairs. Though the protection so given by the Apex Court in a dictum of **Lata Singh (supra)** is always provided to the petitioners.

8. The writ petition is **disposed of**.

(Ram Manohar Narayan Mishra,J.) (Rajesh Singh Chauhan,J.)

September 23, 2026

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