

Court No. - 36

Case :- WRIT - C No. - 7542 of 2021

Petitioner :- Smt. Geeta And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Yogesh Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Kaushal Jayendra Thaker,J.

Hon'ble Dinesh Pathak,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

Petitioner no. 1 is a major. Petitioner no. 2 is also major. Can we grant protection to the people who want to commit what can be said to be an act which is against the mandate of the Hindu Marriage Act. Article 21 of the Constitution of India may permit a person to have own liberty but the liberty has to be within the ambit of law which applies to them.

Prayer prayed for reads as follows :

"1. Issue a writ, order or direction in the nature of Mandamus commanding the respondents not to interfere and disturb the peaceful live-in-relation of the petitioners, by adopting coercive measures.

2. Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 & 3 to secure the peaceful live-in-relation of the petitioners from respondent no. 4 & 5.

3.

4."

Petitioner no. 1, has mentioned in the petition, is the legally wedded wife of respondent no. 5 and she has for whatever reasons decided to go away from her husband, can we permit them to live-in-relation under the guise of protection of life and liberty. Whether her husband had committed an act which can be said to be an offence under Section 377 I.P.C. for which she has never complained of, all these are disputed questions of facts. There is no FIR. Therefore, we fail to understand how such a petition be allowed permitting illegality in the society.

The petition is dismissed with cost of Rs.5,000/- (Rupees Five thousand) which shall be deposited by the petitioners with U.P. State Legal Services Authority.

Order Date :- 15.6.2021/nd