

Court No. - 74

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Case :- WRIT - C No. - 12655 of 2021

Petitioner :- Smt. Yati @ Kahkasha And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Abhitab Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

The first petitioner is a young woman whose date of birth according to her High School Certificate is 22.02.2002. She is thus 19 years old and a major. She has married the second petitioner, also a major, according to her free will. It is stated that the first petitioner is Muslim by birth but has a great faith in the Hindu religion. She has adopted the Hindu religion and a Hindu name Yati in place of her native name, Kahkasha. She has also moved the requisite application to the District Magistrate, Meerut on 15.04.2021 and got the necessary news items published in a newspaper regarding the change of her name and religion. A copy of this publication and the application made to the District Magistrate, Meerut is annexed as Annexure No. 3 to the writ petition. It is urged that the first petitioner and the second petitioner have married according to Hindu rites on 16.04.2021 at the Arya Samaj Mandir, Maliyana, Meerut and have applied for registration of their marriage before the Registrar of Marriages, Meerut on 16.04.2021. However, their marriage has not been registered till date. It is next stated in paragraph no. 7 of the petition that the 4th respondent, who is the father of Yati @ Kahkasha, petitioner no. 1 is greatly annoyed with the marriage and has threatened the petitioners with death. The petitioners have moved the local police requesting them to save their

life. It is further averred in paragraph no. 10 of the writ petition that the marriage between parties has met with disapproval of 4th respondent on account of the difference in their religion and the petitioners are required to be protected. In paragraph nos. 10 & 11, serious threat to the petitioners' life has been asserted from the 4th respondent and other family members of the first petitioner, including members of the first petitioner's native community.

A prima facie case is made out.

Admit.

Issue notice.

Notice is made returnable on 23.06.2021.

Looking to the facts and circumstances, let notice be served upon respondent no. 4 through the Chief Judicial Magistrate, Meerut and a report regarding service shall be placed on record by the date fixed.

Learned Standing Counsel appearing for the respondent nos. 1, 2 and 3 is granted four weeks time to file a counter affidavit.

List for orders on **23.06.2021** along with a report regarding service and status of pleadings.

Order on Civil Misc. Stay Application No. 1 of 2021

Issue notice.

Until further orders of this Court, the Senior Superintendent of Police, Meerut is ordered to extend and provide necessary protection to the life and limb of the petitioners and ensure that no harm comes to them at the hands of

respondent no. 4, or any member of the first petitioner's family or her native community. It is further provided that the Senior Superintendent of Police, Meerut shall also ensure that the local Police do not interfere in the peaceful married life of the petitioners acting at the instance of the 4th respondent, though it shall be their duty to see that no physical harm comes to the petitioners.

The respondent no. 4 is ordered not to enter the petitioners' house, either himself or through his friends, agents, associates, or approach the petitioners through any electronic means of communication, or to cause the petitioners any bodily harm or injury, in any manner whatsoever.

Let this order be communicated to the Senior Superintendent of Police, Meerut, the Station House Officer, P.S. Inchauli, Meerut and respondent no. 4, Jahid Ahmad son of Abdul Bari, resident of Ward No. 12, Lawar Khas, P.S. Inchauli, District Meerut through the Chief Judicial Magistrate, Meerut by the Joint Registrar (compliance) **Today.**

Order Date :- 26.5.2021

Deepak