

**Court No. - 27**

**Case :-** WRIT - C No. - 14486 of 2018

**Petitioner :-** Dr.(Smt.) Neha Sharma And Another

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Aklank Kumar Jain

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajay Bhanot,J.**

Supplementary affidavit filed today is taken on record.

Heard Shri Aklank Kumar Jain, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

The petitioners claim to have attained the age of majority. They claim to have got married. Learned counsel for the petitioners also submits that the petitioners are interested in getting their marriage registered before the Marriage Registration Officer, District-Agra. However, in view of the threats extended by respondent No.3 and his adherents, they are not able to get the registration done and they fear for their lives. They sought protection from police authorities, which was denied. Hence, the writ petition.

Similar petitions has engaged the attention of the Division Bench of this Court. The judgement rendered by the Division Bench of this Court on 8.2.2017 in Writ-C No.7305 of 2013 (Smt. Raj Kumari and another Vs. State of U.P. and others), will guide the decision in this case. For ease of reference, the order of Division Bench of this Court is indicated hereunder:

*"Heard learned counsel for the writ petitioners and learned counsel for the State.*

*Petitioners claim to be of marriageable age on the relevant date and that they have married each other of their own freewill. Both the petitioners claim to be illiterate and hence they have not annexed any documentary proof of age. In case of necessity, the concerned police officer or the Magistrate shall get the age of petitioners verified in accordance with law.*

*This case is not different from large number of similar cases coming to this Court wherein young girl and boy claim to be adults and raise a grievance that they have married or are living with each other of their own freewill and for that, they are being threatened and harassed by parents of one or other party generally in connivance with or with support of local police.*

*In cases where criminal case is lodged by parents of girl alleging that she is a minor or she has been kidnapped for immoral purposes, Police has a duty to investigate the case seriously, so that no crime is committed against a young girl, but in other situation, where the girl is adult and has chosen to live as wife with another adult of her own freewill, the Police is required to give due protection and ensure that no harm is caused to such young couple only because the parents do not approve the decision of their children to marry as per their choice although the children have become adults.*

*Disposal of writ petition in such cases may not be construed as grant of certificate by this Court that the alleged marriage is valid and in accordance with law, but nonetheless where girl and boy are adults and they are living together of their own freewill, the Police must give due protection after making enquiry in respect of claim of their age. Once the girl and boy are found to be adults, it is the duty of the Police as well as the Civil Society to ensure that they are not put to fear of their lives or liberty.*

*In the present case, both the petitioners have claimed to be adults and married to each other of their own freewill. The writ petition is, therefore, disposed of with liberty to petitioners to approach the concerned Superintendent of Police or Senior Superintendent of Police with a certified copy of this order, so that petitioners are not threatened or tortured by any person, even if they happen to be the parents of petitioners, against law. "*

The petitioners are willing to get their marriage registered before the Marriage Registration Officer, Agra and undertake to get it registered within a period of one month.

In case, the respondent No.3 and his adherents are threatening the petitioners or preventing them from getting their marriage registered, it is open to the petitioners to make an application to the Senior Superintendent of Police, District-Agra. The Senior Superintendent of Police, Agra is directed to consider the same expeditiously and also take action in terms of the judgement of this Court rendered in the case of **Smt. Raj Kumar (supra)**.

With the aforesaid observations/directions, the writ petition is finally disposed of.

**Order Date :- 20.4.2018**

Ashish Tripathi