



2026:AHC-LKO:39970-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 5360 of 2026

Ashiya Bano And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mohammad Imaran, Mohd Firoz
Counsel for Respondent(s)	: G.A.

Court No. - 10

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

1. Heard learned counsel for the petitioners and learned AGA for the State-opposite parties no.1, 2 & 3.
2. In view of the order proposed to be passed, notice to opposite party no.4 is dispensed with.
3. Instant writ petition has been filed seeking a writ of mandamus commanding the opposite parties not to harass the petitioners on behest of the opposite party no. 4 and to ensure protection of lives of the petitioners.
4. The contention of learned counsel for the petitioners is that both the petitioners are major and they have married (Nikah) each other on their own volition on 9.5.2025 according to Muslim rites and rituals, copy of the marriage certificate has been enclosed as Annexure No.3 to this petition. In support of the petitioners being major, the petitioner no.1 has annexed photocopy of her High School Certificate-cum-Marks sheet while the petitioner no.2 has annexed photocopy of the Driving License to this petition from which it emerges that both the petitioners are major. Further the petitioners, in the writ petition duly supported by an affidavit, have indicated that both the petitioners are major. It is contended that opposite party no.4 is not happy with the marriage and as such she is creating hindrance in the peaceful married life of the petitioners. Learned counsel has further stated that no First Information Report has been

registered against the petitioners in this regard.

5. In this regard, it would be apt to refer the judgment of the Hon'ble Supreme Court in the case of **Lata Singh Vs. State of U.P. and another-2006 (5) SCC 475**, wherein 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."

6. The petitioners have also pleaded for protection under Article 21 of the Constitution of India which guarantees liberty to lead life of their own with dignity.

7. Considering the aforesaid, the writ petition is **disposed of** with a direction to the opposite parties not to interfere in peaceful life and liberty of the petitioners in any manner.

8. It is made clear that if any F.I.R. is already registered on the issue, the order passed by this Court shall automatically stand discharged.

9. It is however made clear that this Court has not entered into nor adjudicated the age of the petitioners nor veracity/validity of the alleged marriage.

10. The petitioners shall get their marriage registered under the "Uttar Pradesh Marriages Registration Rules, 2017" within two months from

today, failing which this order will automatically come to an end.

11. The Registrar of Marriages concerned is directed to process and issue the registration certificate to the petitioners, strictly in accordance with law, at the earliest.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

June 2, 2026

AKK