



2026:AHC-LKO:22513-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 2773 of 2026

Smt. Khushi Sushil Mishra And Another

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Firoz Ahmad Khan, Mohd. Vakar Khan
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.
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 praying for a writ of mandamus directing the respondents authorities not to interfere in any manner in the peaceful marital life of the petitioners.
4. The contention of learned counsel for the petitioners is that both the petitioners are major and they have married each other on their own volition on 15.03.2026 in a temple at Ayodhya. In support of petitioners being major, they have annexed their copies of School Leaving Certificate and Mark sheet of High School wherein the date of birth of petitioner no.1 has been indicated as 14.02.2004 while that of petitioner no.2 has been indicated as 21.04.2006. It is contended that opposite party no.4 is not happy with the marriage and as such he 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 to 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. Learned A.G.A. states that though the petitioners have annexed the photographs of marriage yet the petitioner no.2 has not attained the marriageable age and is less than 21 years. He further states that a missing complaint has been filed by the father of petitioner no.2.

7. In this regard, it would be apt to refer the judgment of Hon'ble Supreme Court in the case of **Nandkumar & Anr vs State of Kerala & Ors : (2018) 16 SCC 602**, wherein the Apex Court has observed as under:-

"10. For our purposes, it is sufficient to note that both Appellant 1 and Thushara are major. Even if they were not competent to enter into wedlock (which position itself is disputed), they have right to live together even outside wedlock. It would not be out of place to mention that live-in relationship is now recognised by the legislature itself which has found its place under the provisions of the Protection of Women from Domestic Violence Act, 2005."

8. 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.

9. 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.

10. It is however made clear that this Court has not entered into nor adjudicated the age of the petitioners nor veracity/validity of the live-in relation/marriage.

11. Further, the petitioner No.2 shall appear before the competent authority on 06.04.2026 for recording of his statement under the provisions of B.N.S.S. failing which this interim protection may be withdrawn on the application being moved by the prosecution or the complainant.

March 30, 2026
kkv/

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)