

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 11393 of 2025

Petitioner :- Smt Priya Solanki And Another

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

Counsel for Petitioner :- Abhay Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble J.J. Munir,J.

Hon'ble Anil Kumar-X,J.

Prima facie the victim of the crime, going by the contents of the FIR, is an adult, aged about 23/24 years. According to her Highschool Certificate, which is on record at page no. 23 of the paper-book, her date of birth is 18.07.2001. It is averred in the writ petition that the victim has married the second petitioner, Peeyush Gupta of her free will at the Arya Samaj, Prayagraj on 23.05.2025. A certificate from the Arya Samaj, Prayagraj, M.G. Marg, Civil Lines, Prayagraj is annexed at page no. 27 of the paper-book. A joint affidavit has been filed on behalf of the petitioners, affirming the fact that both the petitioners have married.

Mr. Deepak Mishra, learned AGA has objected to the validity of the marriage certificate relied upon by the petitioners on the strength of a Division Bench's decision of this Court in **Shruti Agnihotri vs. Anand Kumar Srivastava 2024 SCC OnLine 3701**, saying that the marriage is not valid.

The first petitioner and the second petitioner are both adults and major. It is their choice to stay and live with whomsoever they like. The social norms may dictate otherwise, but the Constitution grants them the freedom by virtue of Article 21 and the entire gamut of liberty guaranteed to an adult. It is surprising that the

Police have registered an FIR and are investigating the matter, knowing well that both the first and the second petitioner are adults.

In addition to the FIR, it is averred that the petitioners face a death threat at the hands of respondent no. 4, who is the first petitioner's father and other members of the family. Given the prevalent social milieu, some kind of serious violence, even an honour killing, cannot be ruled out under such circumstances, where the informant has gone to the extent of lodging an FIR against an adult woman.

Admit.

Issue notice.

Mr. Deepak Mishra, learned AGA has accepted notice on behalf of respondent nos. 1 to 3. He is granted three weeks' time to file a counter affidavit.

Step to serve respondent no. 4 be taken by RPAD within a week.

List for **orders** on **07.7.2025** along with a report regarding service and the postal track attached.

Until further orders of this Court, petitioners shall not be arrested in Case Crime No. 0445 of 2025 under Section 87 of the B.N.S., P.S. Khurja Nagar, District Bulandshahr.

It is further ordered that the fourth respondents and all his family members are restrained from harassing and contacting the petitioners, directly or indirectly, that is to say, through social media, telephone or otherwise, or in any manner forcibly separating the couple. In the event, any harm comes to the petitioners, the Senior Superintendent of Police, Bulandshahr shall be personally answerable to this Court.

Let this order be communicated to the Senior Superintendent of

Police, Bulandshahr through the Chief Judicial Magistrate,
Bulandshahr by the Registrar (Compliance) **within 24 hours.**

Order Date :- 2.6.2025

VKG/Deepak

(Anil Kumar-X, J.)

(J.J. Munir, J.)