

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 2330 of 2024

Petitioner :- Shilpa Alias Shikha And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Others

Counsel for Petitioner :- Brijesh Kumar Yadav, Archana Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary, J.

Hon'ble Narendra Kumar Johari, J.

By means of this petition, the petitioners has sought quashing of F.I.R. dated 18.03.2024 bearing Case Crime/FIR No.0087/2024, for the offence under Sections 363 & 366 P.C., at Police Station Tarun, District Ayodhya.

In the morning session when the case was taken up, Court has passed the following order:

"Learned counsel for the petitioners has submitted that impugned FIR against the petitioner No.2 has been lodged with false and exaggerated contention. In fact, the petitioners are friend since long back. When petitioner No.1 expressed her willingness to marry with petitioner No.2, her family members extended threat of life therefore she left her home and started living with petitioner No.2 by her free will and accord. Both the petitioners are major. The date of birth of petitioner No.1 is shown in her High School Certificate as 15.10.2005 and the date of birth of petitioner No.2 is shown as 01.02.1996. At present, they are residing with each other in live-in relationship, which is permissible by law, therefore, the impugned FIR is liable to be quashed.

Learned AGA opposed the submission of counsel for the petitioners and submitted that both the petitioners belongs to the different religion. They have not applied for conversion of their religion according to Section 8 & 9 of the ***U.P. Prohibition of Unlawful Conversion of Religion Act, 2021***, therefore, being in relationship against the provisions of law, FIR cannot be quashed.

Heard learned counsel for the parties and perused the record.

Section 3 of the aforesaid Act read as under:

3. Prohibition of conversion from one religion to another religion by misrepresentation, force, fraud, undue influence, coercion, allurement-

(1) No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means. No person shall abet, convince or conspire such conversion.

Explanation- For the purposes of this sub-section conversion by solemnization of marriage or relationship in the nature of marriage on account of factors enumerated in this Sub-section shall be deemed inclined.

(2)

Earlier, the concept of live-in relationship was alien for society. Usually in live-in relationship both the parties live like a married person but not actually married. The process of marriage is pious which create legal rights of parties and their offspring, which are governed by the provisions of law, whereas, the consequences of live-in relationship are different. *The U.P. Prohibition of Unlawful Conversion of Religion Act, 2021* came into force on 27.11.2020. The date of occurrence when the petitioner No.1 fled away from her home has been shown as 18.03.2024. Admittedly, both the petitioners belongs to different religion and they have not solemnized their marriage in accordance to law rather they are residing in live-in relationship.

Section 3(1) of aforesaid Act, 2021 prohibits such living relationship which is in the nature of matrimonial bond. The punishment for contravention of provisions of aforesaid Section 3 has been provided under Section 5 of the aforesaid Act, hence, such residing of petitioners in relationship like marriage cannot get approval by the Court of law. No specific occurrence or act has been mentioned in the petition prejudicially to their life and living.

In view of the above, the FIR in question cannot be quashed, unless they solemnized their marriage in accordance with law.

Accordingly, the petition is **dismissed**. However, if the petitioners feel any threat of life or any act which constitutes offence, they are at liberty to move the application under Section 154(1) or Section 154(3) or Section 156 (3) Cr.P.C. or file a complaint case under Section 200 Cr.P.C."

After the aforesaid order was passed while petitioner No.1 was leaving the premises of Court, commotion and an untoward incident of snatching document took place and she finds threaten to her person, therefore, she again came to the Court.

Learned counsel for the petitioners, thereafter, has moved an application, which is taken on record and in which petitioner No.1 states that she apprehends harm from her family member therefore she is desirous of going to Nari Niketan and further prays for appropriate order with regard to her security.

In view of the above facts and circumstances of the case since petitioner No.1 is major and she has expressed her willingness and desire to go to Women Protection Home, Prayag Narayan Road, Lucknow till solemnization of her marriage in accordance to law, A.G.A. is directed to ensure her safe admission in Women Protection Home. A lady police personnel shall also accompany the petitioner No.1 to Women Protection Home, Prayag Narayan Road, Lucknow.

The Aadhar Card which was snatched from the petitioner is also returned to the petitioner No.1 in the Court by the lawyer of opposite party No.3.

With the aforesaid observation/direction, application is **disposed of.**

Let a copy of this order be provided to learned AGA, today.

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(Narendra Kumar Johari,J.) (Vivek Chaudhary,J.)

Order Date :- 4.4.2024

Reena/-