



2026:AHC:154672-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 9542 of 2026

Saubhangini Shukla and
another

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioners(s)	: Mr. Abhishek Kumar Srivstava, Advocate
Counsel for Respondent(s)	: Mr. Vijay Chandra Srivastava along with Ms. Sunita Sharma, Advocates for respondent no. 4 Mr. Shashi Shekhar Tiwari, Additional Government Advocate on behalf of the State

RESERVED

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE TARUN SAXENA, J.

(DELIVERED BY : J.J. MUNIR, J.)

This writ petition is directed against the impugned First Information Report dated 19.04.2026, giving rise to Crime No. 108 of 2026, under Section 87 of the Bharatiya Nyaya Sanhita, 2023, Police Station Suriyavan, District Bhadohi.

2. The case of the first and second petitioner is that they are major according to the laws of the country, and were into a relationship for the past one year. They have, therefore, decided to marry and stay together for life. Their marriage has been solemnised on 18.02.2026 at the Arya Vedic Sabha, Prayagraj. Both the petitioners are not only of the age of majority, but well educated. They have passed their M.Sc., BTC. According to the high school certificate, the date of birth of the first petitioner is 06.01.1998, whereas that of the second petitioner, is 20.02.1999. Thus, petitioner no. 1 is aged 28 years, whereas petitioner no. 2, 26 years. A copy of the petitioners' marriage certificate dated 18.02.2026 from the Arya Vedic Sabha, Prayagraj, and some photographs of the ceremony are on record of the writ petition. It is also asserted that this is the first marriage for both the petitioners and they had not married previously. Petitioner no. 2 is a newly-appointed Assistant Teacher in a primary school at Madhya Pradesh, and can, by himself, support the first petitioner.

3. It is averred in paragraph no. 15 that after her marriage to petitioner no. 1, the second petitioner brought the fact to the notice of her father and brother on 17.04.2026, which annoyed them much. They beat her up and threatened to kill her as well as her husband. She left her parents' home and gave an application to the Superintendent of Police, Bhadohi as well as the Station House Officer, Police Station Suriyavan, District Bhadohi, which she sent through registered post on 17.04.2026 to protect the

petitioners' life and liberty from the fourth respondent, who is her father. A copy of the said application is also on record as well as postal receipts of dispatch.

4. It is the further case of the petitioners that both of them are living happily together as husband and wife, but the fourth respondent, who is the first petitioner's father, and the other family members, have not taken kindly to the marriage and, in collusion with the Police, are out to arrest them illegally, separate them forcibly and hand over the first petitioner, an adult and a major, back to her father, against her will and wish. Both the petitioners have expressed apprehension to their life and liberty at the hands of the fourth respondent. It is then said that the petitioners, being of the age of majority, are entitled to marry and stay together as man and wife, and any infraction thereof at the instance of her father, in connivance with the Police, is an abuse of process of law.

5. On 29.04.2026, when this petition came up for admission, both the petitioners appeared and we recorded the stand of the first petitioner *viva voce* in Court, to which we shall presently allude. On the basis of the first petitioner's stand, we admitted this petition to hearing, and it being a case where two major citizens of the country had married according to Hindu rites, we *prima facie* found that there was nothing in the FIR to investigate. Therefore, by an interim order of the same date, we stayed investigation by the Police and also the petitioners' arrest. By a separate injunction temporary, we restrained the fourth respondent and members

his family, friends and associates from causing any injury in life and limb to the first and the second petitioner and obliged the Superintendent of Police to ensure that no harm comes to the petitioners at the hands of the fourth respondent or anyone acting on his behest.

6. Mr. Vijay Chandra Srivastava and Ms. Sunita Sharma, Advocates who appeared on behalf of respondent no. 4, have not filed any counter affidavit. A compliance affidavit has been filed by the Superintendent of Police, Bhadohi, which we have treated as a counter affidavit. The petitioner has waived his right to file a rejoinder.

7. Heard Mr. Abhishek Kumar Srivastava, learned Counsel for the petitioner, Mr. Vijay Chandra Srivastava and Ms. Sunita Sharma, learned Counsel appearing on behalf of respondent no. 4, and Mr. Shashi Shekhar Tiwari, learned Additional Government Advocate appearing on behalf of the State.

8. In the compliance affidavit, which is taken to be a return in the matter on behalf of the State, the Superintendent of Police has said that the FIR giving rise to the crime disclosed a cognisable offence, and accordingly, it was registered. In Case Diary No. 1 on 20.04.2026, the Investigating Officer recorded the statement of the scribe of the FIR, the informant and conducted a site inspection. The informant reiterated his allegations in the FIR that his daughter has been taken away by blandishment by the second petitioner, and their whereabouts were not

known. The Superintendent of Police has said that local inquiries and deployment of informants was done, but no fruitful information was forthcoming. In Case Diary No. 2 dated 22.04.2026, further efforts were made to locate petitioner no. 1, and the nominated accused, that is to say, petitioner no. 2. However, no leads emerged, and informants were again deployed for tracing out both the petitioners.

9. On 24.04.2026, the Investigating Officer received, through registered post, an intimation sent by petitioner no. 1, saying that she had solemnised marriage with petitioner no. 2 at the Arya Vedic Sabha, Prayagraj. This information was entered in Case Diary No. 3 and placed on record.

10. It is next averred in paragraph no. 10 that upon receipt of this Court's order on 29.04.2026, all further investigations and consequential proceedings have been kept in abeyance in strict compliance. The order of this Court, restraining respondent no. 4 from harming the petitioners too has been served, and a copy of the memo has been annexed to the return.

11. The next averment in paragraph no. 12 says that statements of both petitioners have to be recorded under Section 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Since both petitioners are adults and fully capable of making their own decisions, the Police have no occasion or authority to interfere in their personal life. It is, therefore, asserted that the petitioners may kindly be directed to cooperate with the

ongoing investigation by presenting themselves for recording their statements under the aforesaid provisions. Upon cooperation being extended by the petitioners and their statements recorded, the investigation shall be concluded expeditiously, in accordance with law.

12. We may now, at this stage, hark back to the statement of the prosecutrix, the first petitioner before this Court, which is recorded in our order dated 29.04.2026. It reads :

Q. आपका नाम?

A. सौभागिनी शुक्ला ।

Q. आपके पिताजी का नाम?

A. श्री प्रकाश नारायण शुक्ला ।

Q. आपकी उम्र कितनी है?

A. २७ साल।

Q. आप कहाँ तक पढ़ी हुई हैं?

A. जी मैं पोस्ट ग्रेजुएट हूँ ।

Q. क्या डिग्री है आपके पास?

A. B.Sc. की है, M.Sc. (Physics and Math) की है और मैंने D.El.Ed.

B.T.C. किया हुआ है।

Q. आपने शादी की है?

A. Yes.

Q. किससे शादी की है आपने?

A. श्री प्रवि गुप्ता से।

Q. आप इस वक्त कहाँ से आयी हैं?

A. सर मैं श्री प्रवि के साथ आयी हूँ पर कहाँ से आयी हूँ सुरक्षा कारणों के वजह से यह नहीं बता सकती।

Q. आप किसके साथ रहना चाहती हैं?

A. श्री प्रवि के साथ।

Q. आप अपने पिता के पास वापस जाना चाहती हैं?

A. नामर्ली जैसे लड़कियाँ मायका ससुराल करती हैं, अगर वो चाहें तो, पर मैं अपना पूरा फ्यूचर श्री प्रवि के साथ जीना चाहती हूँ।

13. Upon a reading of the stand of the first petitioner, about whose identity, there was, no doubt, put forth by learned Counsel appearing for the fourth respondent, Mr. Vijay Chandra Srivastava, who was present on 29.04.2026, we are of opinion that there is absolutely no case worth investigation, and the Police utterly wasting their time in going about the exercise. Two adults have married each other according to Hindu rights and both are accomplished persons with good education. There is absolutely no angle of enticement or blandishment involved in this case, considering the age and the education of parties. The first petitioner is aged 27/28 years.

14. We are utterly disillusioned by the stand taken by the Superintendent of Police, Bhadohi that the investigation has to be completed. This is a case where the matter ought to have been concluded, in view of the statement recorded before us. The insistence of the Superintendent of Police in getting the statement of the prosecutrix recorded under Section 180 BNSS before the Investigating Officer and Section 183 BNSS before the Judicial Magistrate is almost contumacious. After the prosecutrix/petitioner no. 1 has had her statement recorded by a Division Bench of the High Court, no Court in the State or police authority have business, in a matter like the present one, to record any further statement for the first petitioner and form a different opinion on its basis. If the Police wanted to close the investigation, they could have done it on the basis of the prosecutrix's statement recorded in the exercise of our jurisdiction under Article 226 of the Constitution.

15. We are minded to think that the petitioners are right that the Police are indeed siding with the fourth respondent and wish to carry on the investigation by recording statements of parties, where they have already disclosed their mind before this Court *viva voce* and their stand has been reduced to writing in our orders. The carrying on of this investigation into an adult's free choice of her partner and marriage between two major citizens of the country is not only an abuse of process of criminal law, but also gross violation of their fundamental right to liberty guaranteed under Article 21 of the Constitution. The liberty, that a person, who is a major,

enjoys, includes the liberty to marry a person of his/her choice. The police have no business in the matter to be nosy parkers. We have repeatedly reminded the Police that it is no business of theirs to investigate marriages. They ought investigate crimes. This is no crime, where any investigation is required.

16. Considering the action of the Police in insisting that they would still investigate the marriage, despite our detailed order on 29.04.2026, and the act of the fourth respondent in lodging an FIR regarding a marriage between his daughter who is a major and a person of her choice, we are of opinion that some costs deserve to be imposed on both parties, that is to say, the State as well as the fourth respondent.

17. In the result, this petition **succeeds** and is **allowed**. The impugned FIR dated 19.04.2026, giving rise to Case Crime No. 108 of 2026, under Section 87 BNS, Police Station Suriyavan, District Bhadohi is hereby **quashed**. A cost of ₹1000 shall be payable, jointly and severally, by the Superintendent of Police, Bhadohi and the Station House Officer, Police Station Suriyavan, District Bhadohi, to petitioner no. 1, and a sum of ₹5000 by the fourth respondent, also to the first petitioner. The said costs shall be deposited with the learned Registrar General of this Court within a week of the receipt of this order. In the event, costs are not deposited, the learned Registrar General shall issue a recovery certificate against the defaulting respondent(s), authorising the Collector, Bhadohi to recover the sum of money as arrears of land revenue; and once the costs are received

in account by the learned Registrar General, the same shall be paid to the first petitioner. In case the costs are deposited by any of the respondents, as directed, of their own, it would be transmitted in account by the learned Registrar General to the first petitioner immediately.

18. An entry shall be caused to be made in the General Diary of Police Station, Suriyavan, District Bhadohi by the learned Chief Judicial Magistrate, Bhadohi at Gyanpur in red ink that proceedings of Case Crime No. 108 of 2026, under Section 87 BNS, Police Station Suriyavan, District Bhadohi stand quashed under orders of this Court.

19. The Registrar (Compliance) is directed to communicate this order to the learned Chief Judicial Magistrate, Bhadohi at Gyanpur and through her, to the Superintendent of Police, Bhadohi and the Station House Officer, Police Station Surivayan, District Bhadohi.

(J.J. MUNIR, J.)

(TARUN SAXENA, J.)

Allahabad
July 27, 2026
I. Batabyal

Whether the order is speaking : Yes

Whether the order is reportable : Yes