Court No. - 50

Case :- WRIT - C No. - 23672 of 2023

Petitioner :- Smt. Shraddha @ Jannat And Another
Respondent :- State Of U.P. And 5 Others
Counsel for Petitioner :- Abhitab Kumar Tiwari
Counsel for Respondent :- C.S.C.

Hon'ble Ram Manohar Narayan Mishra,J.

Heard learned counsel for the petitioners and Sri Ashwani Kumar Tripathi, learned standing counsel for the State.

The petitioners have preferred this writ petition for a direction upon the respondents not to interfere in their married life and also for protection of their lives and liberty.

Learned counsel for the petitioners submitted that petitioners have attained the age of majority and are living happily. Their relationship is in the nature of live-in relationship. They are inter religious couple as petitioner no. 1 belongs to Muslim religious community, whereas petitioner no. 2 is Hindu. Date of birth of petitioner no. 2 is mentioned as 1.1.2001 in his Aadhar card and date of birth of petitioner no. 1 is mentioned as 16.3.2002 in her Aadhar card. Thus both of them have attained the age of consent and marriage. They have solemnized their marriage according to Hindu rites and rituals at Arya Samaj Mandir for which a marriage certificate has been issued, which is filed as annexure-4 to the writ petition. They have also applied online to get their marriage registered, copy thereof is filed to the writ petition. The petitioner no. 1 is Muslim by birth; her mother was a Hindu religion, who performed her marriage with a Muslim person. The petitioner no. 1 changed her name as Shraddha in place of Jannat; she moved an application before the District Magistrate, Meerut and Saharanpur on 30.6.2023 and also got published in news paper that she has changed her name and religion. Respondent no. 6, father of petitioner no. 1, is interfering in peaceful live-in relationship of petitioners. Petitioners have constitutional right to choice of their partner and to live with any one, as they are consenting adults. Respondent no. 6 has no right to interfere in their peaceful relationship. Petitioners are apprehending danger to their life and liberty from respondent no. 6. Hon'ble Apex court in number of judgments have recognized the right to choice and right to seek

protection for live-in relationship up to consenting adults. Petitioner no. 1 also moved an application before S.P. concerned wherein she has sought protection from him against her family members as they are antagonistic towards the relationship of petitioners.

Learned Standing Counsel for the State respondents submitted that their marriage will come within legislative Prohibition contained in U.P. Prohibition of Unlawful Conversion of Religion Act, 2021 and without compliance of Section 8 and 9 of the Act, the future conversion of either of petitioners to other religion will not be in accordance with law without compliance of Section 8 and 9 of the Act. Section 8(1) provides that one who desires to convert his/her religion, shall give a declaration in the form prescribed as Scheduled (1) at least 60 days in advance, to the District Magistrate or the Additional District Magistrate specially authorized by the District Magistrate that he wishes to convert his/her religion on his/her own and with his/her free consent and without any force, coercion, undue influence or allurement.

Sub-section (3) provides that District Magistrate on receiving information under Sub-section (1) and (2) shall get an inquiry conducted through police with regard to real intention, purpose and cause of the proposed religious conversion. Sub-section (4) provides that contravention of Sub-section (1) and/or sub-section (2) shall have the effect of running the proposed conversion illegal and void. This Act came into force on 5.5.2021. Section 3(1) provides that until the 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 any fraudulent means or by marriage, nor shall any person abet, convince or conspire such conversion. Provided that if any person reconverts to his/her immediate previous religion, the same shall not be deemed to be a conversion under this Act.

It is stated that petitioners are distant cousin even having belong to different community on account of fact that mother and aunt of the petitioner no. 1 were Hindu by birth and the petitioner no. 2 belongs to maternal side of mother of petitioner no. 1. Prima facie it cannot be treated as matter of re-conversion. The version of petitioner no. 1 for performing marriage with petitioner no. 2 into Hindu religious cannot be given effect at this stage for want of compliance of Section 8 and 9 of the Act and the relief sought by the petitioners cannot be granted at this stage.

On the basis of foregoing discussions, writ petition is, accordingly, **dismissed**.

However, it is open to the petitioners to approach District Magistrate for compliance of Section 8 and 9 of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021 and seek necessary order under the Act; if the petitioners seek necessary sanction from the District Magistrate, they will be at liberty to file fresh petition before this Court.

Order Date :- 29.8.2023
Dhirendra/