

(2020) 11 UK CK 0065

Uttarakhand High Court

Case No: Writ Petition (Criminal) No. 1256 Of 2020

Titu Saini @ Vinay Saini &
Another

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision: Nov. 23, 2020

Acts Referred:

- Uttarakhand Freedom Of Religion Act, 2018 - Section 8

Hon'ble Judges: Sudhanshu Dhulia, J; Alok Kumar Verma, J

Bench: Division Bench

Advocate: Akshay Pradhan, J.S. Virk, Rakesh Joshi

Final Decision: Dismissed

Judgement

Sudhanshu Dhulia, J

1. This case has been heard through video conferencing.
2. Petitioners are a married couple who had sought protection from this Court as their marriage was being opposed at the hands of the private respondent no.4 who is father of petitioner no.2.
3. This Court vide its order dated 17.08.2020 had passed the following order:-
“Mr. Shikhar Kacker, Advocate for the petitioners.
Mr. J.S. Virk, AGA for the State.
Both the petitioners belong to different faiths and after petitioner no. 2 has converted to the faith of petitioner no.1, the two married on 05.08.2020.
They seek police protection from this Court as they have an apprehension that the private respondent no. 4 who is the father of petitioner no. 2 may

physically harm them.

We say nothing either on the conversion of petitioner no. 2, or the marriage, as in view of the alleged anomalies pointed out at the Bar that under the

Uttarakhand Freedom of Religion Act, 2018, particularly, in violation of Section 8 of the said Act no such information has been given to the concerned

District Magistrate.

All the same, the fact remains that the petitioners also alleged threat to their life and liberty at the hands of private respondent no. 4 i.e. the father of

petitioner no.2.

Presently this case is being heard through video conferencing, in which both petitioner nos. 1 and 2 are presently connected to us via video

conferencing. This Court had interacted with them. They seem to be major and they have expressed their willingness to live together.

In the interest of justice and in view of the law laid down by the Honâ€™ble Apex Court in the case of Lata Singh vs. State of U.P. and another

reported in (2006) 5 SCC 475 and S. Khushboo vs. Kanniammal and another, reported in (2010) 5 SCC 600, as an interim measure, we direct the

Senior Superintendent of Police, Haridwar to coordinate with, and give suitable directions to the concerned SHO, to provide necessary protection to

the petitioners as there is a threat perception at the hands of respondent no. 4.

Issue notice to respondent no. 4. Steps to be taken within a week.

Counter affidavit to be filed within a period of three weeks.

List this case on 29.09.2020.

Stay Application (CLMA No.6035/2020) stands disposed accordingly.â€™

4. Learned Counsel for the petitioners Mr. Akshay Pradhan has given a statement before this Court, on instructions of his clients, that during the

pendency of the writ petition, better sense has prevailed between the parties and the relation between the parties are amicable and there is no more

threat perception to the petitioners at the hands of the private respondent and now they are living peacefully â€™ a fact which is also affirmed by the

learned State Counsel. The learned Counsel for the petitioners prays that he may be permitted to withdraw the writ petition.

5. In view of the above statement made by the learned counsel for the petitioners, the writ petition is dismissed as withdrawn.

6. Interim order dated 17.08.2020 is hereby vacated.