



2026:AHC:88279-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1553 of 2026

Nitika Panwar And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ashish Kumar, Shivam Kumar Shukla
Counsel for Respondent(s) : Akhilesh Kumar, G.A.

Court No. - 47

HON'BLE J.J. MUNIR, J.

HON'BLE TARUN SAXENA, J.

A perusal of the office report dated 21.04.2026 shows that neither the postal acknowledgment nor the undelivered postal cover has been received back from respondent no. 4. It is also reported that no one has put in appearance on his behalf. In this view of the matter, service upon respondent no. 4 is deemed sufficient.

A counter affidavit has been filed on behalf of the State of U.P. in Court today. It is taken on record. Let it be numbered by the office.

This writ petition has been filed seeking to quash the impugned FIR dated 10.12.2025 giving rise to Case Crime No. 0730 of 2025 under Section 87 of B.N.S., 2023, P.S. Sadar Bazar, District Saharanpur.

A perusal of the FIR shows that the first petitioner, who is the prosecutrix, is admittedly 18 years and 11 months according to the informant, and went away with the second petitioner Mukul Yadav and his brother, Shubham Yadav in a car. The informant says that he searched for his daughter but could not find her. Possibly the only report that the informant could have made in a case like this was a missing report to trace out the whereabouts by saying that his daughter had gone missing. There was no occasion to register a crime. Nevertheless, the impugned FIR, that is a cognizable case, has been registered and the Police are chasing the couple.

Petitioner no. 1 and petitioner no. 2 have married according to Hindu rites

on 10.12.2025 at the Shiv Mandir Dehradun, Uttarakhand. There is a certificate of marriage and some photographs depicting the solemnization of marriage ceremony. We have looked into the Highschool certificate relating to the first petitioner, the prosecutrix, *ex abundanti cautela* where her date of birth indicated is 19.01.2007. This clearly makes her a major and it is not just a slip in the FIR that accounts for her being a major. There is a certificate of marriage ceremony also issued by the Government of Uttarakhand, a photostat copy of which is appended at page no. 27 of the paper-book.

The young couple, that is to say, the first and the second petitioner are staying peacefully together as man and wife. This petition is supported by a joint affidavit of both the petitioners. Again as a matter of abundant caution, we proceed to record the first petitioner's stand in the matter, who is present in Court *viva voce*:

Q. आपका नाम?

Ans. निकिता पवार।

Q. आपके पिताजी का नाम?

Ans. मैनपाल सिंह।

Q. आप इस समय कहाँ से आयी हैं?

Ans. अपने husband के साथ।

Q. आपके husband का क्या नाम है?

Ans. मुकुल यादव।

Q. आप कहाँ रहना चाहती है ?

Ans. अपने husband के साथ।

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

Ans. नहीं Sir।

Looking to the stand of the prosecutrix, which was even otherwise evident from her conduct and the company that she has arrived in, we are of clear opinion that the impugned FIR lodged, at the instance of the first petitioner's father, is a serious inroad into personal liberty of both the petitioners. No one has business to tell a major, where he or she will stay, or with whom he or she will live, marry or spend his or her life.

We find a disturbing trend these days where the Police, as in the present case, are registering FIRs and chasing couples virtually investigating marriages, instead of investigating crimes with which their hands are full. They are wasting their time in business which is not their's. On account of

these indiscretions by the Police, our dockets also swell with cases that are really not causes worth coming to Court, but become so on account of the Police taking actions at the stage of registration of the FIR and post that event which they ought not have done at all. A message should also go out now to every citizen in the country that the age of majority has to be respected and so also the constitutional culture. The Constitution does not permit an adult, whatever be the relationship, to dominate or rule over the will of another adult, who is a major under the law.

Of course, the case of a child, who is not a major, is different. The Police are doing great dis-service by registering FIRs such as these, and more than that, chasing the young couple, sometime with ulterior motive to forcibly separate them and send back the bride to the parents or her family. These actions are absolutely illegal and some of them are offences.

We direct the Director General of Police, U.P. and the Additional Chief Secretary (Home), Government of U.P., Lucknow to take remedial actions in this regard before we are compelled to step in.

In the result, this petition succeeds and is **allowed**. The impugned FIR dated 10.12.2025 giving rise to Case Crime No. 0730 of 2025 under Section 87 of B.N.S., 2023, P.S. Sadar Bazar, District Saharanpur is hereby **quashed**.

The learned Chief Judicial Magistrate, Saharanpur shall cause an entry to be made in red ink in the General Diary of Police Station Sadar Bazar, District Saharanpur that proceedings of this crime has been **quashed** under orders of this Court.

A *mandamus* is issued to the respondents, including respondent no. 4 not to enter the matrimonial home of the first and the second petitioner or disturb their peaceful matrimonial life in any manner whatsoever.

The Registrar (Compliance) is directed to communicate this order to the learned Chief Judicial Magistrate, Saharanpur, and through him, to the Senior Superintendent of Police, Saharanpur and the Station House Officer, Police Station Sadar Bazar, District Saharanpur **within 48 hours**.

The Registrar (Compliance) is also directed to communicate this order to the Director General of Police, U.P., Lucknow and the Additional Chief Secretary (Home), Government of U.P., Lucknow through the learned Chief Judicial Magistrate, Lucknow **within 48 hours.**

(Tarun Saxena, J.) (J.J. Munir, J.)

April 21, 2026

Deepak