

Sangita Rani (Smt) Alias Mehnaz Jahan

Vs

State of Uttar Pradesh and Another

Writ Petition (Crl.) No. 801 of 1991

(CJI Ranganath Misra, M.H. Kania, Kuldip Singh JJ)

09.08.1991

ORDER

1. We have heard counsel for the parties. We have also listened to the statements made to us by Mohd. Usman and Mehnaz Jahan. Parents of the girl who are present, have also been heard. We devoted about 20 minutes in the open court and about half an hour in our chambers in this process.
2. The petitioner, Mehnaz Jahan had stated that they have been married and the marriage is also registered in court. She has been living with her husband Mohd. Usman for about eight months now, and she is carrying for seven months. She tells us that the husband is looking after her well during all this period and she is being fed properly by Mohd. Usman. It seems Mohd. Usman has shifted over along with the petitioner to Delhi. Earlier, he was working as an ironsmith but apprehending trouble from the father-in-law and others he has given up the job for some time past. He is agreeable to revive his work provided some police protection is given.
3. On the parents' side, the main submission has been that they have a large family and if the daughter, who is a Hindu, is allowed to go with Usman who is a Muslim, they will have social problems.
4. In a situation like this, when both the two spouses are major, there has been a valid marriage in accordance with law, both of them have been living together for almost three quarters of a year by now and the girl is carrying for about seven months, the marriage should be sustained and nothing should be allowed to happen which would affect that position. We accordingly direct that Mehnaz Jahan shall be allowed to go back with her husband Usman from the Court. The Station House Officer, Tilak Marg Police Station is directed to escort the spouses back to the place where they stay. The Assistant Commissioner of Police, Seelampur, Delhi is directed to ensure that reasonable and appropriate security is available to the couple for personal safety for at least a period of six months from now.
5. The parents have been cautioned by us to accept the situation and create no problem for petitioner and her husband. We have also told Mohd. Usman that he must take reasonable care of his wife and look after her properly.
6. Ordinarily, this Court does not interfere at investigation stage in a criminal matter but in the special facts already indicated it would be necessary to quash the pending investigation initiated by the father of the petitioner. We direct the quashing of investigation on the basis of F.I.R. 1 of 1991 dated January 3, 1991, in the Police Station Kanth, District Moradabad, U.P. The quashing shall be against all the persons named as accused persons therein.

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