

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (Criminal) No.2168 of 2020

Smt. Anjali @ Afsana & anotherPetitioners

Versus

State of Uttarakhand & othersRespondents

Present:- Mr. Sachin Kumar Sharma, Advocate, for the petitioners.
Mr. J.S. Virk, Deputy Advocate General, for the State/respondent
nos.1 & 2.

Coram:- Hon'ble Sudhanshu Dhulia, J.
Hon'ble Ravindra Maithani, J.

This case has been heard through video conferencing.

2. Both the petitioners before this Court belong to different faiths and after petitioner no. 1 has converted to the faith of petitioner no.2 i.e. Hindu, the two married on 16.12.2020. They seek police protection from this Court as they have an apprehension that the private respondent nos.3 and 4 who are brothers of petitioner no. 1 may physically harm them.

3. We say nothing about the marriage or even the earlier conversion of petitioner no.1 i.e. from Muslim to Hindu, as it is *prima facie* in violation of the Uttarakhand Freedom of Religion Act, 2018, as no such permission has been taken from the concerned District Magistrate. According to the petitioners, they have already moved an application before the concerned District Magistrate, but no decision has been taken on it.

4. Presently this case is being heard through video conferencing, in which both petitioner nos.1 and 2 are presently connected to us. This Court also had an opportunity to interact with them. They seem to be articulate and they

both have apprised this Court that they have a threat perception at the hands of the private respondent nos.3 and 4.

5. We direct the District Magistrate, Haridwar to inquire from the appropriate authorities and persons as to why application of petitioner no.1 for conversion has not been processed and if processed when.

6. Meanwhile, purely in the interest of justice and in view of the law laid down by the Hon'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 the subordinate officers of Police 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 nos. 3 & 4.

7. Issue notices to respondent nos.3 & 4. Steps to be taken within a week.

8. Three weeks' time is granted to the respondents to file counter affidavit.

9. List this matter on 05.03.2021.

10. Interim relief application (CLMA No.11291 of 2020) stands disposed.

11. Registrar General of this Court is hereby directed to send a copy of this order to the concerned District Magistrate for onward compliance.

(Ravindra Maithani, J.)

(Sudhanshu Dhulia, J.)

23.12.2020