



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5008 of 2026

Raghunandan @ Raghunandan Gaud

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sudhir Kumar Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE J.J. MUNIR, J.

HON'BLE TARUN SAXENA, J.

This writ petition has been filed seeking to quash the first information report dated 02.02.2026 giving rise to Case Crime No. 56 of 2026 under Sections 87 B.N.S., P.S. Sahjanawa, District Gorakhpur.

Admittedly, the prosecutrix is a major, as shown in the FIR lodged by respondent no. 3, her mother. She has married the petitioner according to Hindu rites on 01.02.2026 at Shiv Mandir Munderva, District Basti. She has married the petitioner, after converting to Hinduism, as asserted in paragraph no. 9 of the writ petition. The third respondent, who is averse to the marriage, has lodged the impugned FIR and the Police are out to harass the parties, arrest them and forcibly separate the couple, that is to say, the petitioner and the prosecutrix, who are peacefully living together as man and wife. In the high school certificate of the prosecutrix, her date of birth is 03.01.2004, which clearly makes her to be a major, aged about 22 years.

A prima facie case is made out.

Admit.

Issue notice.

Notice on behalf of respondent nos. 1 and 2 is accepted by Mr. Shashi Shekhar Tiwari, learned Additional Government Advocate. He is granted two weeks' time to file a counter affidavit.

Step to serve respondent no. 3 shall be taken by RPAD within three days.

List for **orders** on **07.04.2026** along with a report regarding service and the postal track attached. Office shall also put in a report regarding status

of affidavits.

Order on Criminal Misc. Stay Application No. 1 of 2026

Issue notice.

Until further orders of this Court, the petitioner, to wit, **Raghunandan @ Raghunandan Gaud**, shall not be arrested in Case Crime No. 56 of 2026 under Sections 87 B.N.S., P.S. Sahjanawa, District Gorakhpur.

The respondents are further restrained from forcibly separating the couple or otherwise interfering in their peaceful married life.

Let this order be communicated to the Senior Superintendent of Police, Gorakhpur and the Station House Officer, P.S. Sahjanawa, District Gorakhpur, both through the learned Chief Judicial Magistrate, Gorakhpur by the Registrar (Compliance) **within 48 hours**.

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

March 24, 2026
SK Srivastava