

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (Criminal) No.2226 of 2020

Smt. Khusbu @ Kokil & anotherPetitioners

Versus

State of Uttarakhand & othersRespondents

Present:- Mr. Bilal Ahmed, Advocate for the petitioners.
Mr. J.S. Virk, Deputy Advocate General with Mr. R.K. Joshi, Brief Holder for the State.

Hon'ble Sudhanshu Dhulia, J.
Hon'ble Narayan Singh Dhanik, J.

This case has been heard through video conferencing.

2. Petitioner no. 1 has completed 18 years of age on 19.12.2020, in support of which she has annexed her Aadhar Card as Annexure No. 1. Petitioners before this Court alleged to be a married couple and their case is that after petitioner no. 1 had converted to Muslim faith on 20.12.2020 i.e. the faith of petitioner no. 2, the two were married on 21.12.2020. Since both the petitioners belong to different faiths, their marriage is being opposed at the hands of private respondent nos. 3, 4, 5 and 6, who are father, brothers and a neighbour of petitioner no.1. Hence, they seek police protection from this Court as they have an apprehension that the private respondents may physically harm them.

3. The conversion and the marriage of the petitioners is apparently in violation of the Uttarakhand Freedom of Religion Act, 2018, as neither the petitioners gave a prior information of conversion or marriage to the concerned District Magistrate, nor the person who had

performed such a conversion had given one month's advance notice to the District Magistrate (in this case District Magistrate, Haridwar) in the prescribed proforma. Apparently, therefore, it is in violation of Section 8(2) of the Uttarakhand Freedom of Religion Act, 2018.

4. Sub-section (2) of Section 8 of the Uttarakhand Freedom of Religion Act, 2018 reads as under:-

“(2) The religious priest, who performs purification Sanskar or conversion ceremony for converting any person of one religion to another religion, shall give one month's advance notice of such conversion, in the prescribed proforma, to the District Magistrate or any other officer appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.”

5. However, purely in the interest of justice and considering the fact that the petitioners have a reasonable apprehension to their life and liberty at the hands of private respondent nos. 3 to 6, we direct the Senior Superintendent of Police, Haridwar to grant the petitioners full protection forthwith. After granting the said protection, the Senior Superintendent of Police, Haridwar shall also file an immediate report before this Court within twenty-four hours thereafter.

6. Learned State Counsel Mr. J.S. Virk also undertakes to file a report immediately thereafter after informing the concerned Senior Superintendent of Police of this order.

7. We also direct the District Magistrate, Haridwar to conduct a detail inquiry into this matter, as many similar cases are repeatedly coming before us. Our intention is to inform the concerned persons about the

illegalities and the legal implications in the matter, so that a prior information is given to the concerned District Magistrate, which is the mandate of law. In all similar cases, which are coming before us, we find that such intimation is not given under sub-section (2) of Section 8 of the Uttarakhand Freedom of Religion Act, 2018 by the concerned Priest. We would like the District Magistrate, Haridwar to conduct an inquiry in all these aspects.

8. List this matter on 19.03.2021.

9. Interim relief application (CLMA No.11657/2020) stands disposed accordingly.

10. Let a certified copy of this order be given today itself on payment of usual charges.

(Narayan Singh Dhanik, J.) (Sudhanshu Dhulia, J.)

31.12.2020

Ankit/