

Court No. - 71

Case :- WRIT - C No. - 14288 of 2020

Petitioner :- Priyanshi @ Km Shamreen And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajesh Kumar Kanojia, Abhinav Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Heard learned counsel for the petitioners; Shri Devesh Vikram, learned Standing Counsel for the State respondents and Shri Sohail Ahmad Azami, learned counsel for the respondent no.4.

By means of present writ petition, the petitioners have prayed for a direction upon the respondents not to interfere with their peaceful married life by adopting coercive measures.

This much is reflected from the record that the first petitioner is Muslim by birth and she has converted her religion from Muslim to Hindu on 29.6.2020. The petitioners have solemnized their marriage according to Hindu rites and rituals on 31.7.2020.

The Court has perused the record in question and found that the first petitioner has converted her religion on 29.6.2020 and just after one month, they have solemnized their marriage on 31.7.2020, which clearly reveals to this Court that the said conversion has taken place only for the purpose of marriage.

This Court in Writ-C No.57068 of 2014 (**Smt. Noor Jahan Begum @ Anjali Mishra & Anr. v. State of U.P. & Ors.**) along with connected cases decided on 16.12.2014 has proceeded to observe that conversion just for the purpose of marriage is unacceptable. The relevant portion of the judgment is quoted as below:-

"Applying the above noted principles as laid down in various judgments and mandate of The Holy QURAN in Sura II Ayat 221, I find that alleged conversion of petitioner No.1, girl in each of the writ petitions cannot be said to be bonafide or valid. The religion of petitioner No.1 in each of the writ petitions was converted at the instance of the petitioner No.2 (boys) to marry with the girl. The petitioner girls have stated that they do not know about Islam. In the writ petition as well as in the statements on oath made before this Court, the petitioner girls have not stated that they have any real faith and belief in the unity of God and Mohamed to be prophet. They all stated that the boy got their religion converted with sole purpose to marry with her. Thus conversion of religion to Islam, in the present set of facts, of the girls without their faith and belief in Islam and at the instance of the boys, solely for the purpose of marriage, cannot be said to be a valid conversion to Islam religion. These marriages (Nikah) are against the mandate in Sura II Ayat 221 of the Holy Quran. Even in the case of Lily Thomas (supra)

Hon'ble Supreme Court observed in paragraph Nos. 7,8 and 40 that conversion of religion of a non-muslim without any real change of belief in Islam and only for marriage is void."

In the aforesaid facts and circumstances, this Court is not inclined to interfere in the matter under Article 226 of Constitution of India.

Consequently, the writ petition is dismissed. It will be open to the petitioners to appear before the concerned Magistrate to record their statements.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the applicants alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 23.9.2020

RKP