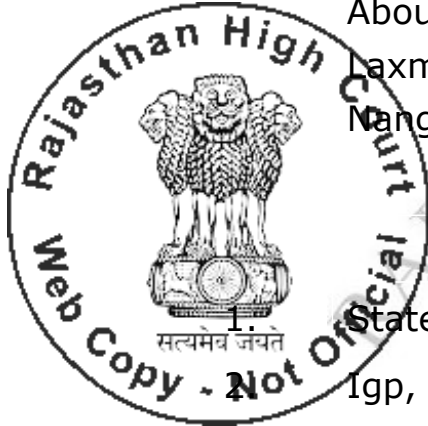




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 4271/2020

1. Vakeela W/o Umardeen D/o Ishaq, Aged About 23 Years, R/o Singar, Ps Bichor, Tehsil Punhana, Distt. Nooh, Mewat, Haryana. Presently R/o Village Nangalkhanjadi, Teh. Laxmangarh, Distt. Alwar.
  2. Umardeen Khan S/o Sh. Deen Mohammad Khan, Aged About 28 Years, R/o Village Nangalkhanjadi, Teh. Laxmangarh, Distt. Alwar. Presently R/o Village Nangalkhanjadi, Teh. Laxmangarh, Distt. Alwar.
- Petitioners
- Versus
- State Of Rajasthan, Through Dgp, Phq, Raj.  
Igp, Jaipur, Range Jaipur.
3. Sp, Distt. Jaipur.
  4. Sho, Ps Laxmangarh, Distt. Alwar.
  5. Talim S/o Samaydeen, R/o Village Kherli Chandrawat, Ps Laxmangarh, Distt. Alwar.
  6. Hakam S/o Moda, R/o Village Kherli Chandrawat, Ps Laxmangarh, Distt. Alwar.
  7. Nazim S/o Samaydeen, R/o Village Kherli Chandrawat, Ps Laxmangarh, Distt. Alwar.
  8. Hasim S/o Hakam, R/o Village Kherli Chandrawat, Ps Laxmangarh, Distt. Alwar.
  9. Sanno W/o Samaydeen, R/o Village Kherli Chandrawat, Ps Laxmangarh, Distt. Alwar.
  10. Juber S/o Ishaq, R/o Village Singar, Ps Bichore Punhana, Distt. Nooh, Mewat, Haryana.
  11. Farook S/o Ishaq, R/o Village Singar, Ps Bichore Punhana, Distt. Nooh, Mewat, Haryana.
  12. Vakeel S/o Ishaq, R/o Village Singar, Ps Bichore Punhana, Distt. Nooh, Mewat, Haryana.
  13. Ishrar S/o Ishaq, R/o Village Singar, Ps Bichore Punhana, Distt. Nooh, Mewat, Haryana.
  14. Sagoon S/o Suleman, R/o Umra, Ps Nagina, Distt. Nooh, Mewat, Haryana.





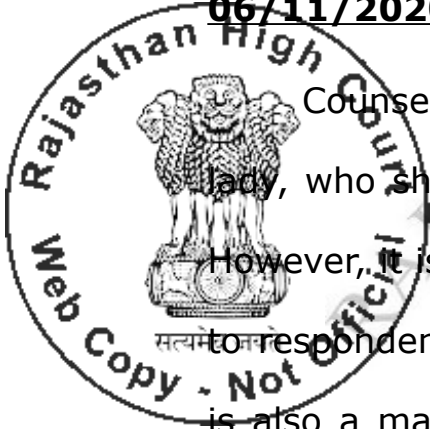
----Respondents

For Petitioner(s) : Mr. Rambabu Sharma  
For Respondent(s) : Mr. F.R. Meena, PP

**HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

**Order**

**06/11/2020**



Counsel for the petitioners states that petitioner No.1 is a lady, who is shown to be wife of petitioner No.2 - Umardeen Khan. However, it is informed that petitioner No.1 - Vakeela was married to respondent No.5 - Talim and petitioner No.2 - Umardeen Khan is also a married person. Now, wife of respondent No.5 - Talim, Vakeela wants to live with petitioner No.2 - Umardeen Khan, who is already married under the Muslim Law. A married muslim woman cannot get married again unless she has been divorced. Petitioner No.2 - Umardeen Khan is also married and the documents, which have been placed on record, do not show that a valid Nikah has taken place between the couple and only a Nikahnama has been executed on the stamp paper of Rs.500/- without being before any Mutwali nor there is a Nutfah read by any Maulvi. There is Maulvi (Priest) to the Nikahnama, who has signed the said Nikahnama. In the contents of the Nikahnama, it is mentioned that the petitioners were living in live in relationship.

In the opinion of this Court, the married persons living with somebody else spouse would be amount into committing an immoral act and a seal of approval cannot be given by this Court by directing the police to give them protection.

Learned counsel for the petitioners has relied on the two orders passed by this Court in *Munni Vijay Dhurve & Anr. Versus*



*State of Rajasthan & Ors.:* S.B. Criminal Misc. Petition No.**7040/2019** decided on 15.11.2019 and *Smt. Vakila & Anr. Versus State of Rajasthan & Ors.:* S.B. Criminal Writ Petition No.**304/2017** decided on 23.2.2018. However, from the perusal of both the aforesaid judgments, I find that the facts of those cases were altogether different. In the first case (supra), the petitioner No.1 had married with the petitioner No.2 and there was no other existing spouse living of both couples. Similarly in the second case (supra), there is no such mention of previous marriage of the petitioners therein.



In view thereof, the contention of the learned counsel for the petitioners' counsel is not made out. The misc. petition is misconceived and the same is, therefore, dismissed with cost of Rs.10,000/- to be deposited with the Rajasthan High Court Bar Association within a period of 30 days, failing which, the concerned authorities shall take necessary steps for recovering the said amount from the petitioner Nos.1 and 2.

(SANJEEV PRAKASH SHARMA),J

SAURABH YADAV /670/15

सत्यमेव जयते