

Court No. - 79

Case :- APPLICATION U/S 528 BNSS No. - 24122 of 2025

Applicant :- Sonu Urf Sahnur

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Parmeshwar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar,J.

1. Heard Sri Parmeshwar Yadav, learned counsel for the applicant, Sri N.K. Upadhyay, learned A.G.A., representing the State-O.P. no.1 and perused the record.
2. The present application has been filed by the applicant with a prayer to quash summoning order dated 12.09.2024 as well as the entire proceedings of Criminal Case No.1300 of 2024 (State vs. Sonu @ Shahnur) arising out of Case Crime No.64 of 2020, u/s 363, 366, 376 IPC and Section 3/4 POCSO Act, P.S.Nichlaul, District-Maharajganj pending in the Court of Special Judge, Exclusive Court (POCSO Act) Maharajganj or to stay the further proceedings of the aforesaid case during pendency of the application.
3. Learned counsel for the applicants submitted that in the instant matter an FIR was lodged by O.P. No.2 on 15.02.2020 wherein it is alleged that his daughter was kidnapped by the applicant with the help of some other persons. He submitted that after investigation chargesheet has been filed and thereafter cognizance has been taken on 12.09.2024. The chargesheet and summoning order have been challenged by means of instant application. He submitted that the applicant has solemnized marriage with the victim on 14.02.2020. He further submitted that since the daughter of informant was minor she was sent to Nari Niketan and when she became major, she started living with the applicant. He further submitted that the instant case is squarely covered by the law laid down by Hon'ble Supreme Court in the matter of **Pramod Suryabhan Pawar v. State of Maharashtra and another, (2019) 9 SCC 608**.
4. Per contra, learned A.G.A. submits that the girl is minor as per her high school certificate and she could not have solemnized marriage with the applicant. He submits that the applicant and the victim come from different religion, as such, their marriage cannot be considered as a valid marriage until and unless proper conversion is carried out in accordance with the provisions of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021. He further submits that the marriage certificate in respect of the marriage between the applicant and the victim has been issued by Arya Samaj Mandir, which seems to be a fabricated document.
5. Heard learned counsel for the parties and perused the record.

6. It is apparent that the applicant and the victim belong to different religion. There is averment in the application that they have solemnized marriage in Arya Samaj Mandir at Prayagraj. However, the same could not have been done without proper conversion as per the existing law.

7. It is further brought to the notice of this Court by learned A.G.A. that in **Writ C No.22491 of 2024 (Shanidev and another vs. State of U.P. and others)** the Court has pointed out that certain people who claim themselves of Arya Samaj and are getting marriages solemnized illegally, with malafide intentions without even verifying the age of the groom and the bride.

8. The aforesaid order shows that astonishing figure as to number of marriages which have been solemnized by the Arya Samaj Mandir in the State of U.P. in one year. Even otherwise, for all the marriages solemnized in the State of U.P. its registration has been made compulsory under the provisions of U.P. Marriage Registration Rules, 2017. In the instant case, marriage has not been registered. The record further shows that at the time of alleged incident, the victim was minor and in no way any marriage solemnized by her, would be a valid marriage.

9. In view of aforesaid discussions, the instant application is devoid of merits and is, accordingly, **dismissed**.

10. However, the Secretary, Home, Govt. of U.P. is directed to get the matter investigated by an officer, not below the rank of Deputy Commissioner of Police, as to how such kind of fake Arya Samaj Societies have flourished throughout the State, who are getting such marriages done, in some cases even of the minor girls and thereafter, issuing certificates, and that too, by violating the provisions of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021. He shall submit a compliance report in this regard by way of personal affidavit by the next date fixed.

11. Put up this matter on 29.08.2025 as fresh, along with the report.

12. The Registrar (Compliance) is directed to send a copy of this order to the concerned authority forthwith for necessary compliance.

Order Date :- 24.7.2025

Manish Himwan