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WP-23395-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

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HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 7th OF JULY, 2026WRIT PETITION No. 23395 of 2026*RAVI PRAJAPATI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Vibhore Kumar Sahu, Advocate for petitioner.

Shri C. P. Singh, Government Advocate for respondents/State.

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ORDER

Per. Justice Gurpal Singh Ahluwalia

This petition has been filed by petitioner under Article 226 of Constitution of India in the nature of Habeas Corpus.

2. It is the case of petitioner that earlier he had eloped with corpus and since she was minor, therefore, an offence was registered against him. Again, he eloped with corpus and he was prosecuted. On her production, the corpus had refused to go along with her parents, but as she was minor, therefore, she was allowed to stay in One Stop Center, Guna. However, in view of the certificate dated 22.01.2025 issued by Principal of Naveen Vidya Mandir Higher Secondary School, Vindhyachal Colony, Guna on which was made a part of charge-sheet, the benefit of doubt has been given to the petitioner and he has been acquitted by trial Court by holding that the prosecution has failed to prove that corpus/prosecutrix was minor on the date of offence. It is submitted that since the corpus is major, therefore, her continuation in One Stop Center, Guna is illegal and thus, present



petition was filed.

3. Yesterday, the corpus had appeared and stated that she wants to reside with petitioner. However, parents of the corpus made a categorical statement that corpus is minor and her date of birth is 10.02.2009. Yesterday, certain documents like certificate issued by State Government under Ladli Laxmi Yojana showing the date of birth of corpus as 10.02.2009, the birth certificate issued by department of Planning, Economics and Statistics showing the date of birth of corpus as 10.02.2009, the birth certificate issued by Municipal Council, Guna showing the date of birth of corpus as 10.02.2009 were also produced. It was also submitted by mother of corpus that all these documents were given to the Police, but Police did not file the same with the charge-sheet. Accordingly, Town Inspector, Police Station Biaora, District Rajgarh was directed to produce the case diary as well as to produce the original admission register of corpus of Naveen Vidya Higher Secondary School, Vindhyachal Colony, Guna and State counsel was also directed to inform this Court that within one hour time, the original admission register has been seized. Accordingly, yesterday at 12:45 PM, an information was given by State counsel that original admission register maintained by Naveen Vidhya Higher Secondary School, Vindhyachal Colony, Guna has been seized.

4. Today, case diary as well as two admission registers maintained by Naveen Vidhya Mandir Higher Secondary School, Vindhyachal Colony, Guna were produced in two different sealed covers. In one admission register, which was created in July, 2015, the date of birth of corpus is mentioned as 10.05.2008. It appears that just after two months thereafter, the date of birth of corpus was corrected as 10.02.2009 and such entry was made in the month of September, 2015 in separate register titled as Amended Register. In this register, the corrected entries in respect of various students including corpus are mentioned. The



correction of date of birth of corpus was carried out on the basis of Aadhar Card and birth certificate must be provided by parents of the corpus. Therefore, it is clear that at least in the month of September, 2015, Naveen Vidhya Mandir Higher Secondary School had corrected the date of birth of corpus from 10.05.2008 to 10.02.2009. It appears that Principal of Naveen Vidhya Mandir Higher Secondary School provided certificate alongwith photocopy of admission ledger created in the month of July, 2015, but deliberately or unintentionally(as the case may be) did not provide the copy of ledger of amended admission showing date of birth of corpus as 10.02.2009. Even, the certificate which was issued by Principal was on the basis of previous entry and not on the basis of amended entries regarding the date of birth of corpus. However, there is nothing in the case diary to show that any attempt was made by Investigating Officer to collect educational documents of corpus from her parents. Why Police did not try to collect the documents from parents is a mystery, but according to mother of corpus, the educational documents of corpus were provided to the Police in which date of birth of corpus was mentioned as 10.02.2009.

5. Under these circumstances, it appears that the Investigating Officer as well as the Principal, Naveen Vidhya Mandir Higher Secondary School played fraud on the Court by suppressing the material documents with a solitary intention to facilitate the accused by raising a doubt regarding age of corpus.

6. From the documents which were shown by mother of corpus yesterday as well as the original admission register which has been brought by Police, it is clear that :

(i) As per amended entry made in the admission register in the month of September, 2015, the date of birth of corpus is mentioned as 10.02.2009 and in spite of that Principal, Naveen Vidhya Mandir Higher Secondary School had



issued a false certificate on the basis of unamended entry in the admission ledger.

(ii) Police either did not make any effort to collect the documents pertaining to the education of corpus from her parents or they deliberately suppressed the same because all the documents were containing date of birth of corpus as 10.02.2009.

(iii) The birth certificate issued by department of Planning, Economics and Statistics contains the date of birth of corpus as 10.02.2009 and as per that certificate, this entry was made on 03.03.2009 i.e. immediately after birth of corpus.

(iv) On the photocopy of birth certificate issued by Municipal Council, Guna which was provided yesterday by mother of corpus the date of birth of the corpus was mentioned as 10.02.2009 and this entry was made on 21.03.2009 and the said certificate was issued on 21.03.2009.

(v) As per the certificate issued by State Government under Ladli Laxmi Yojana, the date of birth of corpus is mentioned as 10.02.2009.

7. Therefore, it is clear that in all the documents, the date of birth of corpus is mentioned as 10.02.2009, but prosecution deliberately created a situation where the Court was compelled to give a finding that prosecution has failed to prove beyond reasonable doubt that corpus was minor on the date of offence.

8. Be that whatever it may be.

9. For the purposes of this writ petition, it is held that the date of birth of corpus is 10.02.2009. It is submitted by Shri C. P. Singh, GA that a Criminal Appeal No.2706/2026 is pending against the judgment of acquittal dated 02.02.2026 passed by First Additional Sessions Judge, Bioara, District Rajgarh in SC No.89/2025 before Indore Bench of High Court.



10. Since the appeal is already pending, therefore, this Court is refraining itself from passing any further comments in that regard. However, office is directed to send a copy of this order for placing it in the record of CRA No.2706/2026(Indore Bench).

11. Since Corpus is still minor and she cannot be handed over to the custody of the petitioner and at present, she is lodged in One Stop Center, Guna, therefore, it is directed that she will continue to stay in One Stop Center, Guna till she attains majority. After attaining the majority, she will be free to live her life as per her own wishes.

12. Let a copy of this order be sent to Director General of Police to take a decision as to whether any action is to be taken against Principal, Naveen Vidhya Mandir Higher Secondary School, Vindhyachal Colony, Guna or not because under Section 94 of the JJC Act, a certificate issued by the school is one of the authentic documents to prove date of birth of juvenile.

13. Similarly, Director General of Police is also directed to take a decision as to whether he would like to take any action against Investigating Officer who has created as hostile situation to facilitate the accused, or not? The Director General of Police must not forget that in the State of Madhya Pradesh, the Government is making every effort to protect the respect, dignity and pride of a girl and if the Police Officers are showing such a hostile attitude even in the case of minor girls, then whether such Police Officers should be allowed to go scot free or not?

14. Let a decision be taken by Director General of Police in this regard within a period of one month and submit the report before Principal Registrar of this Court on or before 12.08.2026.

15. The two admission registers which were produced in original i.e. first



register which was created in the month of July, 2015 and another register which was created in the month of September, 2015 are returned back to State counsel. Similarly, the original case diary is also returned back to the State counsel.

16. The State may also decide as to whether it would like to file an application for taking additional evidence on record in pending CRA No.2706/2026 or not?

17. With aforesaid observations, petition is **disposed of**.

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

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