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WP-26269-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 13th OF JULY, 2026WRIT PETITION No. 26269 of 2026*CHANDRAPAL SINGH PARIHAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Shashwat Rao - Advocate for petitioner.

Shri C.P. Singh - Government Advocate for the State.

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ORDER

Per. Justice Gurpal Singh Ahluwalia

This petition under Article 226 of the Constitution of India has been filed by one Chandrapal Singh Parihar, alleging that his wife is in illegal detention of respondent No.3, who is the father of corpus.

2. The corpus was produced by Ms. Teenu Rawat, Lady Constable No.2237 and Rajbahadur Soni, Head Constable No.312, Police Station Girwai, District Gwalior.

3. It is submitted by the corpus that at present she was residing in the house of Vikram Singh and his family members, who is the brother-in-law of the petitioner, Chandrapal. It is submitted that petitioner was her friend and he was pressurizing her to marry. He was also constantly threatening her that, in case if she does not agree for marriage with him, he would upload her



photographs on Instagram and Facebook. This fact was also narrated by the corpus to her parents, who also tried to persuade the petitioner, but the petitioner continuously threatened the corpus, and accordingly, out of fear, she went along with petitioner. They went to the Datia Court premises, where her Court marriage was performed with the petitioner. It is further submitted that, in fact, she was forced to leave her house under the threat of uploading her photographs on Instagram and Facebook, and nothing was done on account of her willingness.

4. It is further submitted by the corpus that when they went to the Datia Court, then they met a lawyer who obtained their signatures on certain papers and a register and assured them that now Court marriage has been performed. Thereafter, they exchanged the garlands outside the Court premises. She specifically denied that any *Saptapadi* was ever performed. It is submitted that she wants to reside with her parents and wants to prosecute her studies.

5. The case diary was produced in a sealed cover.

6. Surprisingly, the case diary contains a written notarized document titled as विवाह वाद विवाह के पंजीयन बावत लिखतम. This was notarized by Raghavendra Samadhiya, Notary Public Datia.

7. From the case diary, it was found that the corpus has taken the entire responsibility of leaving her house. However, it was submitted by corpus that it was under the threat by the petitioner and after the recovery, they have also made a complaint to Superintendent of Police, Gwalior with regard to the threats extended by the petitioner.



8. It is submitted by counsel for the State that the complaint made by the corpus is under active consideration and if it is found that the petitioner has committed any criminal offence, then appropriate action shall be taken under the provisions of BNS, I.T. Act or any other provision of law which may be applicable.

9. Let the entire exercise be completed by the police authorities within a period of ten days from today.

10. The Division Bench (Gwalior Bench) of this Court, in **Lalit Rajak v. State of Madhya Pradesh & Others**, decided on 27.06.2025 in W.P. No. 23174/2025, and the Single Bench (Gwalior Bench) of this Court, in **Bundel Singh Lodhi v. State of Madhya Pradesh**, decided on 30.04.2021 in M.Cr.C. No. 15168/2021, have held that a Notary has no jurisdiction to act as a Marriage Officer.

11. The Government of India, Ministry of Law & Justice, Department of Legal Affairs (Notary Cell) has also issued Office Memorandum dated 10.10.2024, which is reproduced as under :

"F. NO. N-15011/211/2024-NC
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS
(Notary Cell)

4th Floor, Middle Wing
Janpath Bhawan, New Delhi,
Dated the 10th October, 2024

OFFICE MEMORANDUM

Subject: Execution of marriage/ divorce deeds by



Notaries- Reg.

The Notaries Act, 1952 and the Notaries Rules, 1956 regulate the profession of Notaries. In pursuance of Section 3 of the Notaries Act, 1952, the Central Government, for the whole or any part of India and any State Government, for the whole or any part of the State, may appoint as Notaries any legal practitioners or other persons who possess such qualifications as may be prescribed. The functions and duties of Notaries are enumerated in Section 8 of the Notaries Act, 1952. The transaction of business by a Notary is regulated by Rule 11 of the Notaries Rules, 1956.

2. It is clear from the plain reading of Section 8 of the Notaries Act, 1952 and sub-rule (8) of Rule 11 of the Notaries Rules, 1956 that execution of marriage or divorce affidavit is not the function of the Notary. The functions of Notaries as envisaged in Section 8 of the Notaries Act, 1952 and sub-rule (8) of Rule 11 of Notaries Rules, 1956 do not authorise any Notary to notarise an affidavit of marriage or divorce. Neither the Notary is authorized to certify the marriage nor competent to execute the divorce deed under the Notaries Act, 1952 and the Notaries Rules, 1956. A Notary has not been appointed as a Marriage Officer.

3. Despite the above legal position, it has come to notice that some Notaries are executing documents regarding marriage, divorce, etc. Further, some Notaries are also Issuing Marriage Certificates and allowing the execution of declarations of marriage between the parties, which has far-reaching consequences.

4. Hon'ble High Court of Orissa and Hon'ble High Court of M.P. have also clearly held that Notaries are not appointed as Marriage Officers and they are not authorised to execute marriage or divorce deeds. References may be made to the following decisions in this regard:-

- (i) Partha Sarathi Das Vs. State of Orissa and Others;
2023 SCC OnLine Ori 5657 of Hon'ble High Court of Orissa
(Date of judgment - 14.09.2023)



- (ii) Mukesh S/o Mr. Lakshman Lakshminaryan Vs.
The State of M.P.,
M.Cr.C. No. 44184 of 2020 of Hon'ble High Court
of M.P.
(Date of judgment-31.12.2020)
- (iii) Bundel Singh Lodhi Vs State of M.P.,
M.Cr.C. No. 15168 of 2021 of Hon'ble High Court
of M.P.
(Date of judgment-30.04.2021).

5. An act or omission on the part of any Notary in respect of any provision of the Notaries Act, 1952 or the Notaries Rules, 1956 will be seen as professional misconduct and the Notary concerned will render himself/herself liable to be dealt with in accordance with the provisions contained in Rule 13 of the Notaries Rules, 1956 and action may also be taken against him/her by the appropriate Government under sub-rule (12) (b) of Rule 13 of the Notaries Rules, 1956 and sub-section (d) of Section 10 of the Notaries Act, 1952. Names of such Notaries who have been found to be guilty of professional or other misconduct rendering them unfit to practise as Notaries may also be removed from the Register of Notaries by an order of the appropriate Government in pursuance of the provision contained in sub-section (d) of Section 10 of the Notaries Act, 1952. The Hon'ble Supreme Court of India in the matter of Bhagwan Singh Vs. State of U.P. & Ors. in Diary No. 18885 of 2024 has observed as under in judgment/order dated 20.09.2024: -

"37. Similarly, the Notaries Act 1952 regulates the profession of Notaries. The functions and duties of Notaries are enumerated in Section 8 thereof. The transaction of business by a Notary is contained in Rule 11 of the Notaries Rules 1956. Any acts or ormissions thereof, on the part of the Notary would tantamount to misconduct, and the person complained against would be unfit to be a Notary."

6. In view of the above, it is brought to the notice of



all concerned that Notaries appointed under the Notaries Act, 1952 should desist themselves from executing marriage or divorce deeds as they are not appointed as Marriage Officers. Such actions on their part are against the extant law. Any omission or commission of the Notaries Act, 1952 or the Notaries Rules, 1956 in this regard on the part of any Notary will tantamount to misconduct and action will accordingly be taken against such Notary in accordance with the provisions contained in Notaries Act, 1952 and Notaries Rules, 1956.

(Rajeev Kumar)
Deputy Secretary to the Govt. of India"

12. The Government of India, Ministry of Law & Justice, Department of Legal Affairs (Notary Cell) has issued office memorandum dated 10.10.2024, thereby restraining the Notaries from executing any document pertaining to the marriage of the aspirants, but still, it appears that the Notaries are working in utter defiance of the orders passed by this Court as well as the office memorandum issued by the Union of India.

13. If the heading of the notarized document is seen, then it appears that Raghavendra Samadhiya, Notary Public, had acted as a Registration Officer. Even it is also clear from the statement made by the corpus that she was given an impression that she has performed the Court marriage.

14. Thus, some of the Notaries are exploiting the children by taking advantage of their lack of knowledge.

15. This is a glaring example of the misadventurous act of the Notary who by executing the विवाह वाद विवाह के पंजीयन बावत लिखतम has exceeded his jurisdiction.



16. In view of various orders passed by this Court, as well as the office memorandum dated 10.10.2024 issued by the Union of India, issue notice to Shri Raghvendra Samadhiya, Notary Public, Datia to show cause as to why a direction may not be given to the competent authority to cancel his licence.

17. The office is directed to register a separate case in the category of Writ Petition for this purpose.

18. Since Shri Raghvendra Samadhiya, Notary Public, Datia has exceeded his jurisdiction, thereby spoiling the rights of the persons by registering the so-called marriage, therefore, the licence of Shri Raghvendra Samadhiya to act as a Notary Public Datia shall remain under suspended animation and he shall immediately stop functioning as Notary Public Datia.

19. Shri Raghvendra Samadhiya is also directed to produce his original register dated 27.06.2026 containing Serial No.106 (Notary Register No.2). List the said case on 28th July, 2026.

20. So far as the present case is concerned, it is the stand of the corpus that no *Saptapadi* was performed and only the garlands were exchanged. Exchange of garlands is not a recognized mode of marriage. Therefore, the contention of the petitioner that he had married the corpus cannot be accepted.

21. Furthermore, the corpus has expressed her willingness to stay with her parents.

22. This Court had put certain questions to the parents to find out whether they have forgiven the corpus for whatever had taken place in the past. They were looking happy on account of the return of the corpus, and it



was submitted that they would help the corpus to pursue her further studies.

23. Since the marriage of the corpus with the petitioner has not taken place, and the corpus is willing to stay with her parents, therefore, respecting the willingness of the corpus, she is allowed to go along with her parents.

24. The police officers are directed to hand over the custody of the corpus to her parents after completing the paper formalities.

25. With aforesaid observations, this petition is finally **disposed of**.

26. The case diary is returned back to the State Counsel. Let investigation be completed by considering the conduct of petitioner.

27. Let the copy of this order be sent to Principal District Judge, Datia and District Magistrate, Datia for necessary compliance.

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

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