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IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE VISHAL MISHRA  
ON THE 21<sup>st</sup> OF MARCH, 2022

**WRIT PETITION No. 6074 of 2022**

**Between:-**  
**GADIYA SEJAL BEN**

.....PETITIONER

*(BY SHRI ANKIT SAXENA, ADVOCATE)*

**AND**

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY HOME DEPARTMENT VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
2. POLICE COMMISSIONER POLICE COMMISSIONER JEHANGIRBAD BHOPAL DISTRICT- BHOPAL, M.P. (MADHYA PRADESH)
3. DEPUTY S.P. BHOPAL SOUTH ZONE KAROND CHOURAHA POLICE STATION BHOPAL, M.P. (MADHYA PRADESH)

.....RESPONDENTS

*(BY SHRI PRAMOD PANDEY, GOVERNMENT ADVOCATE)*

.....

*This petition coming on for admission this day, the court passed the following:*

**ORDER**

This petition under Article 226 of the Constitution of India has been filed seeking following relief:-

A. It is, therefore, prayed that this Hon'ble Court may kindly be pleased to direct the Respondent No.1 to 3 to dwell upon the application of petitioner (Annexure P-3) and further provide police protection to petitioner and family members of husband.

B. It is, therefore, prayed that this Hon'ble Court may kindly be pleased to provide Tansit Bail to the husband of the petitioner Govind Yadav for 15 days to appear before the court of Judicial Magistrate First Class, Surendranagar (Gujarat).

C. Any other relief as deemed fit and proper in the

circumstances of this case, along with the cost of this writ petition be also awarded.

It is submitted that the petitioner is a major and has solemnized marriage with Govind Yadav on her own free will. The marriage was also been registered and the marriage registration certificate under the Special Marriage Act, 1954 has been issued. The marriage was registered on 10.09.2021. It is alleged that the parents of the petitioner being unhappy has got registered a case against the husband of the petitioner on which the warrant of arrest has been issued taking the aid of Section 97 of Cr.P.C. by the concerning Judicial Magistrate First Class on 17.11.2021. It is submitted that it is a totally false case, which has been registered against her husband as both being major have exercised their right of livelihood and have solemnized their marriage. It is argued that the Hon'ble Supreme Court has granted protection to such kind of inter-caste marriages; wherein, the parents being unhappy lodges false reports. He has placed reliance upon the judgment passed by the Supreme Court in the case of **Lata Singh Vs. State of U.P. and Another** reported in **(2006) 5 SCC 475**. It is submitted that the petitioner is ready and willing to move to the Court of learned Judicial Magistrate First Class, Surendranagar (Gujarat) for recording her statement and to demonstrate the fact that false case has been registered against her husband, but owing to the threatening and terror of the family members she is unable to do so; therefore, the present petition has been filed seeking police protection. The petitioner is ready to bear the expenses for providing the police protection. It is pointed out by the counsel for the petitioner that the next date for appearance before the learned Judicial Magistrate First Class, Surendranagar (Gujarat) is 01.04.2022.

Per contra, State counsel has vehemently opposed the petition stating that the criminal case is pending in the Court of learned Judicial Magistrate First Class, Surendranagar (Gujarat) and the petition has been filed in State of Madhya Pradesh; therefore, there is an objection regarding territorial to entertain the writ petition, but the fact remains that she is residing at Bhopal along with her husband and a false criminal case has been registered as alleged by her.

The Hon'ble Supreme Court in the case of Lata Singh (supra) has held as

under:-

This case reveals a shocking state of affairs. There is no dispute that the petitioner is a major and was at all relevant times a major. Hence she is free to marry anyone she likes or live with anyone she likes. There is no bar to an inter-caste marriage under the Hindu Marriage Act or any other law. Hence, we cannot see what offence was committed by the petitioner, her husband or her husband's relatives.

We are of the opinion that no offence was committed by any of the accused and the whole criminal case in question is an abuse of the process of the Court as well as of the administrative machinery at the instance of the petitioner's brothers who were only furious because the petitioner married outside her caste. We are distressed to note that instead of taking action against the petitioner's brothers for their unlawful and high-handed acts (details of which have been set out above) the police has instead proceeded against the petitioner's husband and his relatives.

Since several such instances are coming to our knowledge of harassment, threats and violence against young men and women who marry outside their caste, we feel it necessary to make some general comments on the matter. The nation is passing through a crucial transitional period in our history, and this Court cannot remain silent in matters of great public concern, such as the present one.

The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who

undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism.

.....The police at all the concerned places should ensure that neither the petitioner nor her husband nor any relatives of the petitioner's husband are harassed or threatened nor any acts of violence are committed against them. If anybody is found doing so, he should be proceeded against sternly in accordance with law, by the authorities concerned.

It is not disputed that the petitioner as well as her husband are major and have solemnized their marriage, which has been registered on 10.09.2021. She has also submitted that she is ready to bear the expenses of police protection. The registration of criminal case and issuance of warrant by the learned Judicial Magistrate First Class, Surendranagar (Gujarat) has also been reflected.

In such circumstances, considering the judgment passed by the Hon'ble Supreme Court in the case of Lata Singh (supra), this Court deems it appropriate to dispose of this petition directing the respondent no.3 to look into the matter and take appropriate steps for providing protection to the petitioner to appear before the Court of learned Judicial Magistrate First Class, Surendranagar (Gujarat) on 01.04.2022.

With the aforesaid, this petition stands allowed and disposed of.

Certified copy as per rules.

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