

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (Cr.) (H.B.) (D.B.) No. 231 of 2020

Rajesh Kumar

.... Petitioner

-Versus-

1. The State of Jharkhand.
  2. The Inspector General of Police, Ranchi.
  3. The Superintendent of Police, Bokaro.
  4. The Officer in Charge,  
Nawadih Police Station, District Bokaro.
  5. Daulat Mahto
  6. Chandni Kumari
- ..... Respondents

**CORAM: HON'BLE MR. JUSTICE H.C. MISHRA  
HON'BLE MR. JUSTICE RAJESH KUMAR**

For the Petitioner : M/s. Yogesh Modi, Advocate  
For the State : M/s. Kaushik Sarkhel  
For Respondent No. 6 : M/s. Santosh Kumar, Adv.  
Santosh Kumar Soni, Adv.

The matter was taken up through Video Conferencing. Learned counsels for the parties had no objection with it and submitted that the audio and video qualities are good.

04/ 17.12.2020.

Heard learned counsel for the petitioner and learned counsels the respondents.

2. Times and again it is said that in free India, people who have attained the age of majority are free to marry the person of their choice, irrespective of their caste, creed or religion, to lead a blissful conjugal life with him / her, and there can be no hindrance in this right of the citizens of India from any corner whatsoever, including even their family members.

3. Yet again, this case is a glaring example in which two adult citizens of India, who have fallen in love with each other, have married out of their free will and had started to lead conjugal life according to their choice, are threatened and harassed by the family members of the girl, who were not agreeable to this relationship, as the husband belonged to a different caste. Eventually somehow, they got the girl in their influence with the intention to separate the couple. Aggrieved thereby, the husband has approached this Court through this writ application, praying for a writ in the nature of *habeas corpus*.

4. This matter was taken up on 21.10.2020, when we were informed by the learned counsel for the State that the victim girl was present in Nawadih Police Station, and he had a telephonic talk with her, in which she had stated that she is happy with her parents. Since we found that the lady was not

arrayed as respondent in the matter, we directed the learned counsel for the petitioner to add the lady as respondent No.6 and issued notice to her as well. Pursuant to the notice, respondent No.6 appeared in the case, and the matter was taken up yesterday, i.e., on 16.12.2020. The petitioner and his wife, both were connected through video conference through their respective advocates, and when we asked the lady about her choice, initially she repeated the same version that she was happy with her parents.

5. At the request of the learned counsel for the petitioner, we allowed the petitioner to talk to his wife through video conference, during which we noticed from her demeanour that the lady might be under the influence of her parents while stating that she was happy with her parents. We accordingly, directed both of them to appear before the Registrar General of the Court on the same day and directed the learned Registrar General to record their statements ensuring that the parties must not be under the influence of their parents or any other person, and to submit the report about their conduct.

6. In compliance of our order, the learned Registrar General talked to respondent No.6 separately and recorded her statement on oath, ensuring that she was not under the influence of her parents or any other person. He recorded the statement of the petitioner as well, which have been sent to us along with his report.

7. The age of the lady has been assessed by the learned Registrar General to be about 22 years, and she has also disclosed her age to be 23 years. In her statement, the lady respondent No.6 stated that she is married to the petitioner, as there was love affair between them. They married in a Temple and then she went to her matrimonial home on 20.01.2020. Thereafter both of them went to Andhra Pradesh and returned back on 21.09.2020. On 22.09.2020, there was also a Court marriage between them and she continued to live with her husband for further two nights.

8. Thereafter she went to her parents' place, where she came under the threats of her family members and she was not allowed to go back to her husband. He was threatened that if she goes to her husband, her husband would be killed. She has also made similar allegation against one Cabinet Minister of the Present Government, who is of the same caste. She has clearly stated that she wants to live with her husband, but she fears that if they live together they would be killed, as her husband belongs to a different caste. She has stated that even today, (i.e., on 16.12.2020), she has been threatened by her father and one another person.

9. The statement of the petitioner was also recorded by the learned Registrar General on oath, in which the petitioner has also supported the facts of love marriage and Court marriage between them and has stated that he wants to keep his wife with him. He has also stated about the threats being given by his in-laws. Both of them have prayed for security.

10. In view of these statements, both the parties were kept in the safe custody of the Court yesterday, and today they have again appeared before us through video conferencing. The petitioner as well as respondent No.6 expressed their desire and willingness to live together and the respondent No.6 has stated before us that her earlier statements through video conferencing (that she was happy with her parents) were under the aforesaid threat and coercion. Upon query by us about the allegation against the Cabinet Minister, she has reiterated the same and informed us that he is her father's neighbour.

11. In the backdrop of the aforesaid facts, it is thus apparent that both the parties, i.e., the petitioner and respondent No.6 have married out of their free will, due to love and affection between them, and they want to lead a conjugal life together. Though in the writ application there are some statements about the pregnancy of the lady and illegal termination of the same, but we do not want to enter into those aspects of the matter, as neither respondent No.6, nor the petitioner have stated anything about them in their statements recorded on oath by the learned Registrar General. For the purpose of this writ application, we are satisfied and convinced that it is a fit case in which both the parties be allowed to live together and the petitioner be asked to take his wife along with him right from the Court itself.

12. At the same time we are also satisfied that due to illegal interference in her conjugal life by her family members, and may be also from a highly placed political person, who is presently a Cabinet Minister in the State Government, the perception of threat of the respondent No.6 and her petitioner husband may be genuine. The fact remains that on 21.10.2020 respondent No.6 was admittedly in the Police Station as informed to us by the learned counsel of the State, and in the Police Station there should not have been any threat to the respondent No.6, but on that day also she stated that she was happy with her parents and admittedly, that statement was under threat. In that view of the matter we cannot rule out the possibility of undue influence even on the police. However, we make it clear that we are not forming any definite opinion about the conduct of the Cabinet Minister named in the statement of the lady, as he is neither a party to the writ application, nor he has been noticed in the matter.

13. In the facts of this case, we direct the respondent Nos. 3 and 4, the Superintendent of Police, Bokaro and Officer In-charge of Nawadih Police Station, to ensure free and safe transit to the petitioner along with his wife to the petitioner's place. They shall also ensure the safety of the petitioner and his wife at the place of the petitioner. The parties shall be free to lead their conjugal life wherever they want, as it is apparent from the statements of both the parties that the husband was earning his livelihood in the state of Andhra Pradesh. If they chose to change their address, they shall inform the Superintendent of Police, Bokaro, about the same.

14. Though we have not stated anything against the conduct of the Cabinet Minister named in the statement of the respondent No.6, in our opinion, since there is a serious allegation against a Cabinet colleague of the present Chief Minister, it would be appropriate that this fact should be brought to his knowledge. We accordingly, direct that a copy of this order along with the copy of the statement of the respondent No.6, be communicated to the Hon'ble the Chief Minister of the State, for the needful.

15. At this stage, we are informed that the parents of respondent No.6 have given an undertaking before the learned Registrar General that they shall not be interfering into the conjugal life of the petitioner and the respondent No.6. We expect that the parents of the respondent No.6 shall stand on their undertaking in its true words and spirit. The Superintendent of Police, Bokaro, shall also ensure that there is no interference in the conjugal life of the respondent No.6 and her petitioner husband, either from the family members of the respondent No.6, or from any other source whatsoever.

16. We accordingly, permit the petitioner to take his wife respondent No.6, along with him honorably and to lead a blissful conjugal life according to their choice.

17. This writ application stands allowed with the directions as above.

**(H.C. Mishra, J.)**

**(Rajesh Kumar, J.)**