

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 20416 of 2024

(PULANDAR CHAUHAN vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 25-07-2024

Shri Sarvesh Sharma - Advocate for the petitioner.

Shri Rajesh Shukla - Additional Advocate General for the respondent/State.

The present petition is in the nature of Habeas Corpus.

2. Corpus produced by Shri Yadvendr Upadhyay, S.I. and Ms. Rajkumari Lodhi, Lady Constable, Police Station Bahodapur, Gwalior and Ms. Rubi Bhargava, S.I., Police Station Jhanshi Road, Gwalior.

3. Petitioner is father of corpus Ku. Nidhi Chauhan. She was missing since 13.07.2024 and information was given to the Police Station on which FIR has been registered vide Crime No.515/2024 on 17.07.2024 for offence under Section 137(2) of Bhartiya Nyan Sanhita, 2023. Corpus was recovered by Police and being escorted by Shri Yadvendr Upadhyay, S.I. and Ms. Rajkumari Lodhi, Lady Constable, Police Station Bahodapur, Gwalior and Ms. Rubi Bhargava, S.I., Police Station Jhanshi Road, Gwalior.

4. Copus intends to pursue her studies. She reiterated her anxiety for education.

5. Counsel for the petitioner on the basis of instructions received from parents of corpus who are present in the Court room submits that corpus does not follow the directions of parents and therefore, she becomes unmanageable at times. Petitioner sought time so that corpus may live for

some days at Nari Niketan.

6. This is a case where corpus is recovered by police from the perpetrators of crime and she is willing to go back to her maternal home with her parents. On surface, things look normal, but underneath such incident leaves dejection, despondency and depression into the psyche of a girl who is hardly exposed to the frailties of human nature. Most of the times, she suffers from mental and emotional trauma because of nature of incident. Victims of sexual offences or sometimes girl left her maternal home for marriage or being annoyed by parents or Child in Need of Care and Protection are some of the instances where these children need not only the protection but some affirmative actions like Encouragement, Guidance or Mentoring for their future course of life.

7. Who will do this mentoring or guidance, is the question. Sometimes parents are illiterate. Sometimes they are busy in earning both the meals for the day and sometimes they are so shocked with the incident that they cannot handle such situation. Then, girl faces the wrath of adverse time.

8. Either parents force her to close her studies or try to marry her and shift the responsibility. Sometimes they reprimand or scold the child in such fashion that child again leaves the home and falls into the trap of perpetrators waiting for such eventuality.

9. One more aspect deserves attention is **Stockholm Syndrome**. In such mental situation, out of fear or anxiety or mental disposition, she falls in love with her own perpetrator or empathizes with him and surrenders herself to him. Even a Child in Need of Care and Protection may also undergo any one

of such eventualities, therefore, it appears that parents sometimes are inadequately equipped to handle such situation as well as the child.

10. Then another question arises is if not parents, then who can take the responsibility. In this condition, it appears that Society/State have to come forward for such purpose. According to this Court, **Shaurya Didi** is one such concept which if implemented effectively, then it can bring change in the lives of many. **Shaurya Didi** would be a female Sub-Inspector or Constable or she may be a fit person as per Juvenile Justice Act or may be a female staff of Women and Child Development Department living in the vicinity of child/victim. They can mentor, guide and encourage the victim to come into main stream and to encourage her to engage in creative pursuits. This way child would be encouraged to study or to engage in vocational course so as to stand on her own in future. Later on, she herself may become a good volunteer as **Shaurya Didi** to perform this pious work.

11. This is a concept which requires evolution by the policy makers to address the plight of victims of sexual offences as well as Child in Need of Care and Protection and at times for Child in Conflict with Law also. Concerned departments may think over framing Statutes/Rules/Guidelines in detail in this regard.

12. In the present case, petitioner is directed to take his daughter back to his house where she would live for some days. So that reconciliation amongst the family members be carried out.

13. Ms. Rubi Bhargava, S.I., Police Station Jhanshi Road, Gwalior and Ms. Rajkumari Lodhi, Lady Constable, Police Station Bahodapur,

Gwalior are appointed as Shourya Didi for corpus.

14. They will take care of corpus while visiting her once in a week or trying to contact on her phone regularly. This way they would protect the well being of corpus and she would feel secure.

15. Therefore, matter is placed in the next week with the stipulation that parents of the corpus shall take care of her properly.

16. List on 29.07.2024.

17. Meanwhile, corpus be sent along-with her parents. Copy of order be sent to Registrar/Secretary J.J. Committee Jabalpur for information and contemplation.

(ANAND PATHAK)
JUDGE

(RAJENDRA KUMAR VANI)
JUDGE

Monika

