

THE HIGH COURT OF MADHYA PRADESH
WP-26903-2018

(Rakesh Chaurasiya Vs. Principal Secretary, Home Department and Ors.)

Gwalior, Dated : 06-12-2018

Smt. Uma Kushwaha, counsel for the petitioner.

Shri Yogesh Chaturvedi, Government Advocate for respondents No. 1 to 5/State.

Corpus Ms. Radha is present in person along with Sub-Inspector Ms. Himani Pathak.

It is submitted by the corpus that she has married Rahul Khatik and she is living a happy and married life. Her father has extended a threat that the corpus must immediately leave Dabra, otherwise she would face the dire consequences and that she is apprehensive of the threat given by her father.

The petitioner is present in person. He has admitted that he had suggested her daughter to leave Dabra because of her act he has lost his reputation and respect in the society but stated that it was not a threat, but it was a suggestion. In the cross-examination, he has stated that he is running a Tea Stall and fairly admitted that there is no adverse effect on his business. Nobody has passed any comment on him or on his family and he is also residing happily in his house situated in the Colony but he has lost his respect in the society, therefore, the corpus must leave Dabra.

The submission made by the corpus and the petitioner cannot be ignored. The corpus is a major girl having right to choose her life partner. She has categorically stated in presence of her father that she has married respondent No. 6

Rahul Khatik. Being a free citizen of the Country, the corpus has fundamental right to reside at anywhere in the Country and her father cannot direct his daughter to leave Dabra even by way of suggestion.

The corpus categorically stated that she wants to stay back in her matrimonial house situated in Dabra and she does not want to leave. She has further stated that she wants to reside with her husband Rahul Khatik. She has also stated that at present, she is pregnant.

Since the corpus is a major girl and she is free to live with a person of her own choice and as the corpus has stated that she has married Rahul Khatik and she is happy in her matrimonial house and at present, she is pregnant, in the considered opinion of this Court, nothing survives in this petition.

However, before parting with this case, this Court wants to observe that merely because the petitioner feels that by the act of his daughter to marry respondent No. 6, his reputation and respect in the society has got adversely affected, therefore, she should leave Dabra, the same cannot be appreciated by this Court.

An admission has been made by the petitioner that he had suggested his daughter to leave Dabra but it is his contention that, that suggestion was not in the form of threat. Under Section 506 (Part-II) of IPC extending a threat to life is also an offence but without entering into this controversy that whether an offence has been committed by the petitioner or

not, it is directed that in case, if any hurdle or nuisance is created by the petitioner in the life of his daughter and if any application is made by the corpus or her husband to the Superintendent of Police, Gwalior complaining about the threat or action of the petitioner, then Superintendent of Police, Gwalior shall immediately take serious action in the matter and he is expected that he would not deal with the matter in a casual manner.

With aforesaid observation, the petition is finally disposed of.

(G.S. Ahluwalia)
Judge

Abhi