

HIGH COURT OF MADHYA PRADESH**W.P.No.15295/2020****(Smt. Kajal & Another Vs. The State of M.P. & Others)****Gwalior, Dated : 16.10.2020**

Shri Rajeev Khengar, learned counsel for the petitioners.

Shri Udit Saxena, learned Panel Lawyer for the State.

In the wake of unprecedented and uncertain situation due to outbreak of the Novel Corona virus (COVID-19) and considering the advisories issued by the Government of India, this petition has been heard and decided through video conferencing to maintain social distancing. The parties are being represented by the respective counsel through video conferencing, following the norms of social distancing/physical distancing in letter and spirit.

The petition is being filed by the petitioners only on the basis of apprehensions.

Learned counsel for the petitioner has submitted that the petitioner No.1 is of 19 years of age and the petitioner No. 2 is of 24 years of age. Both are major and they have married with each other. Marriage was solemnized on 28.09.2020 as per the Hindu rituals. The petitioners have duly consented their marriage. It has been solemnized as per petitioners' free will without any undue influence and coercion. The family members of both the petitioners i.e. respondent No.4 to 6 who are none-else than Nani and Mama of the petitioner No.1 are not happy with the marriage of the petitioners. Hence, there is a whisper among them that they are planning to lodge false F.I.R. with the police

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against any of the petitioners to entangle them in a false criminal case while petitioners have not committed any kind of offence. Their act of marrying is absolutely legal and otherwise also. They have committed any offence. Therefore, the petitioners are entitled for the protection from any illegal action against them. The petitioners have solemnized their marriage on 28.09.2020 at Ganesh Bagh Mandir, Sagartal Road, Gwalior as per the Hindu rituals. In this regard, marriage invitation cards were printed and distributed to the friends and the relatives. The petitioner No.1 is of 19 years of age and her date of birth is 29.10.2001 as has been entered in the 10th Class document. The same has been issued by the Competent Authority. The petitioner No.2 is of 24 years of age and his date of birth is 15.06.1996 as has been entered in the 10th Class mark-sheet. The same has been issued by the Competent Authority. It is further submitted that both the petitioners have solemnized marriage against the will of their family members and looking to the society structure, it is apparently clear that the members of family may harm the petitioners. It is a statutory duty of respondent No.2 and 3 to provide necessary protection to the petitioners against any unwarranted act of the respondents No.4 to 6 as well as other persons. It is submitted that the issue has been dealt with by the Hon'ble Supreme Court with respect to honour killing in the case of **Lata Singh Vs. State of U.P. and ors.** reported in **2006 (5) SCC 475.**

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It is submitted that considering the aforesaid, the police authorities may be directed to grant necessary police protection to the petitioners.

Learned Panel Lawyer for the State has opposed the writ petition and has argued that the whole petition is based on mere apprehension. There is nothing on record to show that any threatening or any unwarranted incident has taken place in the matter. Even the complaint submitted to the police authorities is shown to be by way of Registered Post. It is argued that the petitioners have never approached the police authorities showing their grievances. In view of the aforesaid, he has prayed for rejection of the petition.

Heard the learned counsel for the parties and perused the record.

From the perusal of the record, it is seen that the entire petition is filed on the basis of mere apprehension. There is nothing on record to show that the petitioners have even approached the police authorities alongwith the relevant documents and proof of their marriage. It is not being stated in the petition that any F.I.R. or complaint has been made by the respondents No. 4 to 6 against them. Only apprehension and a phone call threatening is being pointed out by them. Thus, no mandamus can be issued merely on the basis of certain apprehensions or possibilities. As the petitioners are major and they have solemnized their marriage, therefore, this Court deems it appropriate to disposed of the writ petition with a direction to the petitioners to approach the

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concerning police authorities alongwith all the relevant documents in support of their age as well as to demonstrate the factum of marriage and bring it to the knowledge of the police authorities that they have solemnized their marriage on their own will and in case any complaint is being made against them, the police authorities are directed to dwell upon the complaint and decide the same taking into consideration the relevant documents and in case the police authorities arrived at a conclusion that some protection is required to be granted then necessary action be taken in accordance with law.

With the aforesaid observation, the petition **stands disposed of.**

No order as to costs.

E-copy of this order be provided to the petitioners and it is made clear that E-copy of this order shall be treated as certified copy for practical purposes in respect of this order.

AK/-

(Vishal Mishra)
Judge