

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE**

&

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 20th OF JULY, 2022

WRIT PETITION No. 16690 of 2022

Between:-

**SYED ARSHAD RABBANI S/O SYED
MOHAMMAD DAWOOD QADRI, AGED
ABOUT 48 YEARS, OCCUPATION:
BUSINESSMAN R/O 2373, SHARFABAD,
PASIANA, SHASTRI WARD, JABALPUR-
482002 (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI RAVINDRA KUMAR GUPTA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH ITS PRINCIPAL SECRETARY
HOME DEPARTMENT, VALLABH BHAWAN,
DISTRICT BHOPAL (MADHYA PRADESH) -
462004**
- 2. SUPERINTENDENT OF POLICE JABALPUR,
CIVIL LINE, JABALPUR (MADHYA
PRADESH) - 482001**
- 3. SUPERINTENDENT OF POLICE, BILASPUR,
DISTRICT BILASPUR (CHHATTISGARH)**
- 4. MRS. NAUSHI PARVEEN D/O SIRAJ
AHAMAD, AGED ABOUT 27 YEARS, KALLU
BHAJI KA MAKAN, GAYYUR HUSSAIN KE
BAJU WALI GALI NO. 1, 2ND HOUSE, TULSI
NAGAR, TALAPARA BILASPUR
(CHHATTISGARH)**

.....RESPONDENTS

(SHRI S.S.CHOUHAN - GOVERNMENT ADVOCATE FOR

This petition coming on for orders this day, Hon'ble Shri Justice Ravi Malimath, Chief Justice passed the following:

ORDER

The case of the petitioner is that in the year 2012-13 he met one Naushi Parveen namely respondent No.4. They decided to get married in the year 2019. At that point of time, the petitioner was aged 45 years and she was aged 24 years. An agreement was entered into on 30.04.2019 in terms of Annexure P/3. Thereafter, a marriage certificate was issued in terms of Annexure P/6 dated 18.04.2022. That she was residing with her parents at Bilaspur. He is residing at Jabalpur. Thereafter, the parents of Naushi Parveen started pressurizing her to break her marriage. She immediately made complaints to the jurisdictional police namely the Station House Officer, Police Station Sakri, District Bilaspur in terms of Annexure P/5 dated 29.03.2022 and the Superintendent of Police, Bilaspur on 22.04.2022 vide Annexure P/8. Nothing came of it. Thereafter, the instant writ petition has been filed seeking following reliefs:-

"A. To direct respondent No.1 to 3 to produce the wife of petitioner (respondent no.4) Naushi Parveen before this Hon'ble Court and if require, the statement is to be made before this Hon'ble Court for proper adjudication of matter with the direction to handing over her to petitioner.

B. To direct to investigate and register the FIR against the family member of respondent no.4 on the basis of her complaint dated 29.3.2022 and 22.04.2022 if found indulged in illegal confinement/detention the petitioner's wife.

C. To pass any other or such relief which the court deems fit in the interest of justice."

Shri Ravindra Kumar Gupta, learned counsel for petitioner submits that his wife does not want to stay at Bilaspur but she wants to stay with him at Jabalpur. That nobody is helping her at Bilaspur. That she has been wrongly detained in her parents' house.

On hearing learned counsels, we do not find any merit in this petition. Firstly is the fact of the Ikrarnama dated 30.04.2019 vide Annexure P/3. The same would indicate the statements that the petitioner was aged 45 years. She was aware that he is married and has three children. Therefore, she will not stay with him at Jabalpur. She will stay at Bilaspur. She will not demand any monetary benefit from him or property etc. That she will remain separated from him for all times to come. Therefore, we are of the view that on the face of this document, such a petition could not have been filed by the petitioner before this Court. It amounts to an abuse of process of court. This specific document clearly indicates the status between the petitioner and the lady as well as the physical distance which they have agreed to maintain. She will not go to Jabalpur but stay in Bilaspur. She will not seek any financial aid and property etc. If this was the clear understanding which was reduced into writing, we fail to understand as to how the petitioner could even file such a petition before this Court. We have no hesitation to say that knowing the facts very well, he has misused the process of law by filing this petition.

Secondly is the fact that the lady is a resident of the State of Chhattisgarh. Even assuming that she has made complaints in terms of

Annexure P/5 and Annexure P/8 to the concerned police, it is for the concerned police therein to react to the same. In case they don't, she has always a remedy in law to ensure that her complaint is taken to its logical end in the State of Chhattisgarh. The petitioner cannot be allowed to invoke the jurisdiction within the territories of State of Madhya Pradesh for making the grievance, which arises in the State of Chhattisgarh. Therefore, on this ground also, we do not find that such a petition could be maintainable here. Hence, we do not find any ground to interfere.

The writ petition is dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(VISHAL MISHRA)
JUDGE

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