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WP-19649-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 20th OF JUNE, 2025WRIT PETITION No. 19649 of 2025*RAJ JAIN AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Ms. Kritika Indurkha - Advocate for the petitioners.

Shri Gajendra Parashar - Panel Lawyer for the respondents/State.
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ORDER

The present petition has been filed seeking the following reliefs :-

"7.1. That, the respondent police authorities concerned may kindly be directed to provide safety of life and liberty to the petitioners.

7.2. That, the respondent police authorities or concerned police authorities may also kindly be restrained from taking any unconstitutional, illegal or unauthorized action against the petitioners.

7.3. Any other suitable order or direction may kindly be passed in favour of the petitioner."

2. It is the case of the petitioners that the petitioners being major have solemnized their marriage on 08.05.2025. To this effect they have filed the marriage certificate issued by the Department of Planning Economics and Statistics Government of Madhya Pradesh. They have also produced the Aadhar Card to prove that they are adults. The petitioner No.1 is aged about 26 years and petitioner No.2 is 19 years of age. It is pointed out that the family of the petitioner No.2 along with other members of the community are attempting to initiate criminal proceedings against the petitioners and have also issued threats to falsely implicate them in a criminal case or to kill them as the petitioner No.1 belongs to Jain community and petitioner No.2 belongs to Brahmin community. Even the petitioner No.1 was threatened to face consequences and some individuals have



threatened the petitioner No.1 that they will burn his house. The petitioners along with the father of the petitioner No.1 have submitted written complaints to the concerned police station on various occasions, however, no action has been taken by the police authorities to ensure their safety and to protect their right to life and personal liberty. It is submitted that the petitioners are legally entitled to marry and reside with a person of their own choice. The petitioners have solemnized their marriage in accordance with the social customs and are presently living together in peace. It is submitted that no person or authority has the right to interfere with the realization of that choice. Even otherwise, obstructing an individual's right to choose their partner amounts to a direct assault on the essence of dignity itself. It is argued that the Hon'ble Supreme Court has granted protection to such kind of inter-caste marriages; wherein, the parents being unhappy lodge false reports. The petitioner No.2 has made an application to the Superintendent of Police, District Mandla stating therein that she wants to go her In-Laws house as she is apprehending that her life is in danger as the family members of the petitioner No.2 is not happy with the marriage. The petitioner has prayed for police protection so that she can go to her in-laws house with safety. Learned counsel for the petitioner has placed reliance upon the judgment passed by the Supreme Court in the case of **Lata Singh Vs. State of U.P. and Another** reported in (2006) 5 SCC 475 and in the case of **Shakti Vahini Vs. Union of India and others** reported in (2018) 7 SCC 192. Hence, this petition.

3. Per contra, learned counsel appearing for the State has vehemently opposed the contentions raised by the petitioners, but he could not dispute the fact that the petitioners are major and they have solemnized their marriage on their own free will.

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



5. It is not in dispute that the petitioner No.1 - the husband and petitioner No.2 - wife are majors and they have solemnized their marriage on 08.05.2025. The family of the petitioner No.2 are attempting to initiate criminal proceedings against the petitioners and they have been threatened to falsely implicate them in a criminal case or to kill them as the petitioner No.1 belongs to Jain community and petitioner No.2 belongs to Brahmin community. The petitioner No.1 was threatened by some individuals that they will burn his house on account of the marriage which he has solemnized.

6. The Hon'ble Supreme Court in the case of **Lata Singh** (supra) has held as under:-

"This case reveals a shocking state of affairs. There is no dispute that the petitioner is a major and was at all relevant times a major. Hence she is free to marry anyone she likes or live with anyone she likes. There is no bar to an inter-caste marriage under the Hindu Marriage Act or any other law. Hence, we cannot see what offence was committed by the petitioner, her husband or her husband's relatives.

We are of the opinion that no offence was committed by any of the accused and the whole criminal case in question is an abuse of the process of the Court as well as of the administrative machinery at the instance of the petitioner's brothers who were only furious because the petitioner married outside her caste. We are distressed to note that instead of taking action against the petitioner's brothers for their unlawful and high-handed acts (details of which have been set out above) the police has instead proceeded against the petitioner's husband and his relatives.

Since several such instances are coming to our knowledge of harassment, threats and violence against young men and women who marry outside their caste, we feel it necessary to make some general comments on the matter. The nation is passing through a crucial transitional period in our history, and this Court cannot remain silent in matters of great public concern, such as the present one.

The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a



person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism.

.....The police at all the concerned places should ensure that neither the petitioner nor her husband nor any relatives of the petitioner's husband are harassed or threatened nor any acts of violence are committed against them. If anybody is found doing so, he should be proceeded against sternly in accordance with law, by the authorities concerned."

7. In such circumstances, considering the judgment passed by the Hon'ble Supreme Court in the case of **Lata Singh** (supra), this Court deems it appropriate to dispose of this petition directing the Superintendent of Police, Mandla/respondent No.2 to look into the matter and take appropriate steps for providing protection to the petitioners for their safety of life and liberty.

8. With the aforesaid, this petition stands allowed and disposed off.

I.A.No.9781/2025 - an application of urgent hearing during vacation stands disposed off.

(VISHAL MISHRA)
JUDGE