
(2020) 08 MP CK 0261
In the Madhya Pradesh High Court
Case No : Writ Petition No. 8234 Of 2020

Lalita Mahor & Anr.

APPELLANT

Vs

State Of M.P. & Ors.

RESPONDENT

Date of Decision : 06-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 08 MP CK 0261

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : Vinod Pathak, Anmol Khedkar

Final Decision : Disposed Of

Judgement

This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs:

- i) That, issue a direction to the respondent authorities to not to take any coercive action against the petitioner because of their marriage.
- ii) That, to issue a direction to the respondents for providing the protection to the petitioners at the earliest in the light of Lata Singh Vs. State of UP, (2006) 5 SCC 475 and Shakti Vahini vs. Union of India (2018) 7 SCC 192.
- iii) That, issue a direction to the respondent authorities to take necessary action for saving the fundamental rights as well as life and liberty of the petitioner.

It is the case of the petitioner that they are of marriageable age and they have performed marriage on 8.6.2020 and the respondent No.8 has also issued a certificate to that effect. It is further submitted that since the parents of the girl are not happy with the marriage, therefore, there is a threat to the life of the petitioners and, therefore, in the light of the judgment passed by the Supreme Court in the case of Lata Singh Vs. State of UP, reported in (2006) 5 SCC 475, the protection order may be issued.

The respondent No.8 was directed to file the return pointing out the rules for performing marriage. It is mentioned that the marriage was performed as per the provisions of Army Samaj Vivah Vidhimanya Adhiniyam, 1937.

Heard the learned counsel for the parties.

As per the office report, the respondent No.5 Ramesh Mahor and respondent No.6 Sandip Mahor were served. They are the father and brother of the petitioner No.1. Despite service of notices, they have not entered appearance, therefore, it although the return filed by the respondent No.8 does not appear to be satisfactory but since the respondents No.5 and 6 have not entered appearance despite of the service of notice, therefore, it appears that the respondent no. 5 and 6 have no objection if protection order is passed.

The present petition has been jointly filed by the petitioners, who are alleged to be of marriageable age based upon the date of birth, 10/05/1999 in case of petitioner No.1 and 09/05/1998 in case of petitioner No.2 and both the petitioners are major and voluntarily, they have performed marriage on 08/06/2020 at Arya Samaj, Ganga Vihar Colony, Gole Ka Mandir, Gwalior. They are seeking a direction for grant of protection of life, liberty and dignity, which according to them, is under threat.

Both the petitioners have claimed themselves to be more than 18 years of age at the time of solemnization of marriage in question. Reliance has been placed on the decision of Apex Court in the case of Lata Singh Vs. State of UP, reported in (2006) 5 SCC 475.

In view of the aforesaid, as it is the case of the petitioners that they are major and they have married each other as per their sweet will and are entitled to live their married life happily, without any interference by family members of any of the petitioners or respondent No.5 to 7, this Court is of the considered opinion that in case, if protection is sought by the petitioners against any harassment or intimidation against their life, liberty and dignity arising out of the marriage solemnized by them, the same would be granted to them by the respondents/ police authorities, on verifying the factum of marriage and age in accordance with law and in terms of decision of the Apex Court in the case of Lata Singh(supra).

With the aforesaid observation, this petition stands disposed of.

CC as per rules.