
(2014) 08 MP CK 0059
In the Madhya Pradesh High Court
Case No : W.P. No. 4701/2014

Ronak Dubey

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 19-08-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 08 MP CK 0059

Hon'ble Judges : Rohit Arya, J

Bench : Single Bench

Advocate : Ravi Dwivedi, Advocate for the Appellant; R.P. Rathi, Government Advocate, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Rohit Arya, J.—By this petition under Article 226 of the Constitution of India, petitioners are seeking direction to respondents/State to provide "protection against invasion on their personal life, liberty and property by the respondents"/ police authorities" at the instant of respondent No. 3 as they have entered into wedlock after attaining majority.

2. Petitioners claimed to be major in age and further claimed to have married on 29/07/2014, photographs and marriage certificate annexed as Annexure P/1 to P/4 in that behalf.

3. It is alleged in the petition that the respondent No. 3 who is father of petitioner No. 1 is not happy from the marriage of petitioners, therefore, threatening the petitioners and are creating obstacles in their day to day life, neither there is any averment to that effect pin pointing harassment by any particular person nor nature of harassment, such details of alleged incidents of harassment and place of harassment in the entire petition. There is nothing on record to substantiate such serious allegations against parent of petitioner No. 1, i.e., respondent No. 3. Moreover, there is no complaint to the respondents/State

detailing the harassment to justify their apprehensions.

4. Under such circumstances, direct approach to this Court under Article 226 of the Constitution of India for the aforesaid relief, in the opinion of this Court is in a way tantamount to misuse of process of law and an attempt to obtain an order in the nature of writ of mandamus without bringing on record factual details warranting interference. In such circumstances, it is not appropriate to entertain such petition. However, if the petitioners have any such apprehensions, they are supposed to approach in person the police authorities/local administration with complaint in writing and only then the authorities may apply their mind to the nature of allegations and the degree of apprehensions. No such efforts have been made by petitioners in this case. Petitioners are always at liberty to approach the police and police authorities are expected that they will do needful to protect the life, liberty and dignity of petitioners considering the facts and circumstances and apprehensions of harassment of the petitioners, keeping in mind the directions issued by Hon. Supreme Court in the matter of Lata Singh Vs. State of U.P. and Another, which reads as under:-

"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 is not harassed by anyone nor subjected to threats or acts of violence, and anyone 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."

5. With the aforesaid observations, petition stands disposed of.