

(1999) 12 MP CK 0003
In the Madhya Pradesh High Court
Case No : Writ Petition No. 5181 of 1999

Shailendra Virendra Vishwakarma and others	APPELLANT
Vs	
State of M.P. and others	RESPONDENT

Date of Decision : 10-12-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 3 MPLJ 436

Hon'ble Judges : Dipak Misra, J

Bench : Single Bench

Advocate : Sanjay Agrawal, for the Appellant; V.K. Shukla, Government Advocate for State, for the Respondent

Judgement

Dipak Misra, J.

Invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India the petitioners have prayed for issue of a writ in the nature of mandamus restraining respondent No. 3 to 6 from arresting the petitioners and subjecting them to humiliation and further creating an impediment in their free movement and peaceful enjoyment of life. A further prayer has also been made for issue of direction to provide safety and security.

The factual matrix has its own peculiarity. The petitioners Nos. 1 and 2 developed genuine feelings for each other. When their platonic love ripened into sanguine consummate desire, they endeavoured to remain in an Utopian state and accordingly tied the matrimonial knot. They got married according to the rites of "Arya Samaj" at Baijnathpara, Raipur. It is put forth that the petitioners Nos. 1 and 2 are major and they complied with the provisions under the Arya Marriage Validation Act, 1937 and in expression of

their free will lived as "Husband" and "Wife". They condemned the idea that man is condemned to be free and inherently believed in the idea and love was born out of divine bliss: -"Anandata Sanjatah". Having got the legal stamp embedded and imprinted on their relationship they thought of visiting certain places of pilgrimage to pay their homage as a sign of gratitude to the almighty and to certain relatives to pay their respect but their aspiration was curbed and curtailed by the seventh respondent, the father of the girl, who put spoke in the wheel by reporting the matter at the police station and the Town Inspector, Bilaspur and Officer-in-Charge of Police Station Tarbahar and Maludla, Police Station Bilaspur combined together in a "Chakravyuha" and assisted the respondent No. 7 and espoused his cause which resulted in frequent calling of the petitioners to Police Station along with other relations. Immense pressure was put to untie the connubial relationship as if it is a Gordian Knot. Expression of parental dissatisfaction thus, culminated in setting up the criminal law into motion as allegations were made that their daughter had been abducted by Shailendra Vishwakarma, petitioner No. 1 herein. After the complaint was lodged the investigating agency commenced investigation and called the petitioners Nos. 3 and 4, the father and brother of the petitioner No. 1 respectively, and behaved in such a manner which compelled the visits of those petitioners quite frequent at the Police Station. This action of the investigating agency created a dent in the social relationship of the petitioners and before it could give rise to unmanageable crack and burst out like a fatal aneurysm the petitioners chose to visit this Court as a counteractant. This Court considering the sanguine love and genuine feelings between the parties which had already culminated in spite of pointed obstructions, directed the Town Inspector, Police Station, Civil Line, Bilaspur to appear and produce the record so that the factual scenario could be revealed. In pursuance of the aforesaid order the Town Inspector appeared in person in Court and stated in the most categorical and unsanctimonious manner that after complaint was made he thought his duty to conduct an investigation and after due investigation he has been satisfied that the petitioners Nos. 1 and 2 are major and they have been married and after recording such satisfaction he has already informed the respondent No. 7 that no offence has been committed by the petitioners Nos. 1 and 2 who are

present in Court as they married as per the "Arya Samaj" rites. The Investigating Officer has also assured this Court that he will not require the presence of the petitioners in connection with this matter.

It has been said "all is well that ends well but it should not be forgotten things must end well, and well, well in time. As the timely cure is much better than a prolonged unnecessary treatment, it is to be borne in mind any type of treatment is a harassment. The Investigating Officer in the present case should have put an end to the controversy in quite promptitude so that young couple along with their family members should not have been compelled to visit this Court and the Investigating Officer must remember that dispensation of justice has to be done at the earliest so that no citizen shall harbour a grievance. It would not have taken much time on his part that the petitioners Nos. 1 and 2 are major and they were married according to the acceptable religious rites. In future the Investigating Officer in the matter of this kind should act promptly in accordance with law of the land and should not be governed by any kind of pressure or passion. One's notion of relationship and one's proclivity towards parental obligation should not override the mandate of law. A major is free in free India as per our Constitution or the law made in accordance with the Constitution and it should be adhered to by all. I am sure that this will act as a future guidance to the Investigating Officer so that a major married couple do not rush to Court making allegations of harassment by the police because of the adamant attitude of parents. In this context I may profitably quote a paragraph from "Lawbreakers, Courts, and Law-Abiders" by Roger Traynor J.:-

The great advantage of police compliance with the law is that it helps create an atmosphere conducive to a community respect for officers of the law that in turn serves to promote their enforcement of the law. Once they set an example of lawful conduct they are in a position to set up lines of communication with the community and to gain its support.

In view of the assurance given by the Investigating Officer and in view of the accepted marriage of the petitioners Nos. 1 and 2, no further direction need to be passed.

The writ petition is disposed of accordingly.

Order accordingly.