

(2020) 08 MP CK 0134

In the Madhya Pradesh High Court

Case No : Writ Petition No. 9746 Of 2020

Smt. Monika Batham & Anr.

APPELLANT

Vs

Mukhya Sachiv, Grih Vibhag, M.P. & Ors

RESPONDENT

Date of Decision : 21-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 08 MP CK 0134

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

Bench : Single Bench

Advocate : Devesh Singh Tomar, M.P.S. Raghuvanshi

Final Decision : Disposed Of

Judgement

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

"माननीय न्यायालय से प्रार्थना है कि, याचिकाकर्तागण की याचिका स्वीकार की जाकर प्रतियाचिकाकर्ता क्रमांक-1 लगायत 3 को निर्देशित किया जावे कि वे याचिकाकर्तागण के वैवाहिक जीवन में किसी भी प्रकार की कोई परेशानी उत्पन्न होने से रोके व उन्हें पूर्ण सुरक्षा उपलब्ध करावे तथा प्रतियाचिकाकर्ता क्रमांक-4 को निर्देशित किया जावे कि याचिकाकर्तागण के विरुद्ध किसी भी प्रकार की कोई झूठी शिकायतें न करें एवं याचिकाकर्तागण के साथ प्रतियाचिकाकर्ता क्रमांक-4 स्वयं अथवा अन्य किसी के माध्यम से किसी भी प्रकार की अप्रिय घटना या दुर्घटना कारित न करें। याचिकाकर्तागण को अपना वैवाहिक जीवन पूर्ण शांति से व्यतीत करने दें। अन्य सहायता जो माननीय न्यायालय उचित समझे याचिकाकर्तागण को दी जाने की कृपा करें।"

It is submitted by the counsel for the petitioners that both the petitioners are major and are of marriageable age. The date of birth of the petitioner No.1 as per the school record is 10.3.2020 and the date of birth of the petitioner No.2 is 1.4.1993. Both have performed marriage in Arya Samaj Mandir and accordingly, a certificate has also been issued which has been filed as Annexure P/1. It is submitted that the parents of the petitioner No.1 are extending threat and they are making complaint against the petitioners. Accordingly, 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, their marriage live may be protected.

Heard the learned counsel for the petitioners.

The petitioners have filed a copy of the representation which was made to the Superintendent of Police, Gwalior on 1.7.2020 and the copy of the same was also sent to the SHO, Police Station Hazira, District Gwalior. In the said representation, no allegation of harassment or making false complaint against the petitioners has been made and the only request which has been made by the petitioner No.1 is that the police before registering the offence should record her statement. Thus it is clear that the allegation of harassment which has been made in the writ petition is not supported by any document.

Be that as it may.

It is the case of the petitioners that they have married and they are major and competent to take the decision of their life.

Accordingly, this petition is disposed of in the light of the prayer made by the petitioner No.1 in her representation dated 1.7.2020, and it is directed that subject to verification of age of the petitioner no.1, before proceeding further against the petitioners, the police shall also record the statement of the petitioner No.1 and if it is found that the petitioners have married in accordance with law and they are competent to do so, then the police shall take further action only in accordance with law.

With aforesaid observations, this petition is finally disposed of.