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WP-13623-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

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HON'BLE SHRI JUSTICE PUSHPENDRA YADAV

ON THE 23rd OF APRIL, 2026WRIT PETITION No. 13623 of 2026*RAMKESH**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Utkarsh Kandil - Advocate for the petitioner.

Ms. Anjali Gyanani - Government Advocate for the respondents/State.

Petitioner - Ramkesh, corpus, respondent No.6 - Kalu, parents of
corpus and mother of respondent No.6 are present in person.

Corpus is produced by Station House Officer - Shri Govind Vallabh
Bagoli of Police Station Sirol District Gwalior with Head Constable
Vipin and Lady Constable Jyoti Lakhra from One Stop Center, Kampoor
Gwalior.

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ORDER

Per. Justice Anand Pathak

1. The instant petition is in the nature of habeas corpus. As per
allegations, wife of petitioner is in illegal confinement of respondents No.4
to 6. Today all parties appeared before this Court. This Court raised specific
query from the corpus about her intention and in reply thereof, she
categorically submits that she is major and she wants to live with respondent



No.6-Kalu and wants to give divorce to petitioner (husband of corpus). She further submits that she married to petitioner- Ramkesh around 8 years back and out of the wedlock, although they were blessed with three children, Sunny aged-4 years, Rohit aged-3 years and Banvari aged-1 year however, petitioner ill-treated her constantly and out of frustration, she wanted to commit suicide but respondent No.6-Kalu saved her from such act and for last one month, she was living with Kalu.

2. This Court raised query from the parents of corpus and they submit that they are ready to marry their daughter (corpus herein) with Kalu because they realized that their daughter will live happily with Kalu (respondent No.6 only) and not with petitioner.

3. Mother of Kalu - respondent No.6 is also present and fairly submits that she will accept the corpus as her daughter-in-law.

4. Petitioner although rebutted the allegations of ill-treatment/ Marpeet but fairly submitted that he is also ready to give divorce to his wife provided, he does not have to pay any permanent /temporary alimony. He is ready to take children with him or if corpus desires then he is ready to give custody of all three children to corpus.

5. Corpus and Kalu are ready to take all three children in their fold and would keep those children with them.

6. From discussion with all stakeholders, it appears that corpus is major lady with three children. She wants to live with Kalu who is also major. Both want to live together on their own volition. Since, they are major and want to move on in life, they are free to do so.



7. Therefore, question comes regarding dissolution of marriage so that if corpus and petitioner get decree of divorce on mutual consent, then only she can enter into wedlock with Kalu and live in matrimonial fold. To protect her interest and interest of her children, it is necessary that they must move peacefully and with consent.

8. Corpus and petitioner are ready to move appropriate application for divorce on mutual consent. As per undertaking given by the petitioner and duly accepted by the corpus, petitioner shall not have to pay any permanent alimony or permanent /temporary maintenance to corpus and his children and corpus would not demand any permanent /temporary alimony or maintenance. All jewellery /house hold articles which were given by the family of corpus in marriage shall be returned back to corpus.

9. After seeking divorce, parties shall be at liberty to move on as desired by them. Till divorce proceedings are concluded, corpus shall move in company of her parents. Children may live with corpus or may move between parents as per their convenience. Father (petitioner herein) will have complete visiting rights and can meet children whenever he feels so.

10. **Smt. Anjali Gyanani, Government Advocate and Lady Constable Jyoti Lakhra**, who has produced the corpus before this Court are requested to act as "**Shourya Didi**" for the corpus for next six months.

11. The concept of "**Shourya Didi**" has been discussed in detail in case of **Harchand Gurjar Vs. The State of M.P. & Ors.**, ILR 2024 MP 2547 by the Division Bench of this Court. Relevant discussion about "**Shourya Didi**" is reproduced for ready reference as under:



"5. This is a case where corpus is recovered by police from the perpetrators of crime and she is willing to go back to her maternal home with her parents. On surface, things look normal, but underneath such incident leaves dejection, despondency and depression into the psyche of a girl who is hardly exposed to the frailties of human nature. Most of the times, she suffers from mental and emotional trauma because of nature of incident. Victims of sexual offences or sometimes girl left her maternal home for marriage or being annoyed by parents or Child in Need of Care and Protection are some of the instances where these children need not only the protection but some affirmative actions like Encouragement, Guidance or Mentoring for their future course of life.

6. Who will do this mentoring or guidance, is the question. Sometimes parents are illiterate. Sometimes they are busy in earning both the meals for the day and sometimes they are so shocked with the incident that they cannot handle such situation. Then, girl faces the wrath of adverse time.

7. Either parents force her to close her studies or try to marry her and shift the responsibility. Sometimes they reprimand or scold the child in such fashion that child again leaves the home and falls into the trap of perpetrators waiting for such eventuality.

8. One more aspect deserves attention is Stockholm Syndrome. In such mental situation, out of fear or anxiety or mental disposition, she falls in love with her own perpetrator or empathizes with him and surrenders herself to him. Even a Child in Need of Care and Protection may also undergo any one of such eventualities, therefore, it appears that parents sometimes are inadequately equipped to handle such situation as well as the child.

9. Then another question arises is if not parents, then who can take the responsibility. In this condition, it appears that Society/State have to come forward for such purpose. According to this Court, Shaurya Didi is one such concept which if implemented effectively, then it can bring change in the lives of many. Shaurya Didi would be a female Sub Inspector or Constable or she may be a fit person as per Juvenile Justice Act or may be a female staff of Women and Child Development Department living in the vicinity of child/victim. They can mentor, guide and encourage the victim to come into main stream and to encourage her to engage in creative pursuits. This way child would be encouraged to study or to engage in vocational course so as to stand on her own in future. Later on, she herself may become a good volunteer as Shaurya Didi to perform this



pious work.

10. This is a concept which requires evolution by the policy makers to address the plight of victims of sexual offences as well as Child in Need of Care and Protection and at times for Child in Conflict with Law also. Concerned departments may think over framing Statutes/Rules/Guidelines in detail in this regard."

12. Shourya Didis will take care of corpus for next six months and would be in regular touch with her and seek her well-being.

13. From the proceedings, undertaking of parties and fact situation, petition outlived its purpose. Therefore, **disposed** of with aforesaid observations.

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE

Ashish*