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WP-28213-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 20th OF AUGUST, 2026WRIT PETITION No. 28213 of 2026*NISHANT SHEKHAR GUPTA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Yogesh Singh Baghel and Shri Praveen Kumar Mishra -
Advocates for the petitioner.*

Shri Abhijeet Awasthi - Deputy A.G. for respondent nos. 1 to 4/State.

Shri Premendra Singh- Advocate for respondent no.5.
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ORDER

Per. Justice Anand Pathak

Petitioner and respondent No.5 are present in person.

Corpus is produced by A.S.I. Shri Laldas Choudhary along with Lady Head Constable No.28 Sarita Singh Rathore from Police Station Kotwali, District Shahdol.

1. The instant petition is in the nature of habeas corpus. As per allegations, wife of petitioner was in illegal confinement of respondents no.5, who happens to be father of corpus.

2. As submitted by counsel for petitioner, the marriage was solemnized between petitioner and corpus (Simran Gupta), aged 23 years, and after



marriage she went to her parental house and is since residing there. Therefore, present petition is preferred.

3. Counsel for respondents/State opposed the submissions. As submitted, a missing person report was lodged on 14.07.2026 by father of corpus, namely Ramkrishna Gupta (respondent no.5 herein), in which apprehension is raised in respect of present petitioner.

4. Police searched the corpus and recovered her on same date i.e. on 14.07.2026 itself from the possession of petitioner.

5. Since corpus is major and wants to live with her parents, therefore, custody of corpus can be handed over to respondent no.5.

6. 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 her father (respondent No.5) and does not want to live with petitioner. No marriage is being solemnized between petitioner and corpus. Petitioner abducted corpus, while making false promise to give her ride to her house. Under duress and threat, she lived for a day with petitioner but that does not mean that she entered into wedlock.

7. Considering the submissions, this petition stands disposed of with a direction to respondent no.5 to take corpus back to their home and take care of her well. Petitioner is further directed not to extend any threat, intimidation or influence over corpus, would not move in the vicinity of corpus and shall not be source of embarrassment/harassment to her any manner. Police authority may, on the complaint, proceed as per law.

8. Lady Head Constable No. 28- Sarita Rathore, who has produced the



corpus before this Court are requested to act as "Shourya Didi" for the corpus for next six months.

9. 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."

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

11. From the proceedings, undertaking of parties and fact-situation, it appears that the petition outlived its purpose. Therefore, **disposed** of as rendered infructuous.

(ANAND PATHAK)
JUDGE

(B. P. SHARMA)
JUDGE

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