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WP-34456-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 1st OF SEPTEMBER, 2026

WRIT PETITION No. 34456 of 2026

SMT.*Versus**THE STATE OF MADHYA PRADESH AND OTHERS**Appearance:**Shri Manoj Chaturvedi - Advocate for the petitioner.**Shri Dinesh Prasad Patel - Government Advocate for the respondents/**State.***ORDER**

This petition under Article 226 of the Constitution of India has been filed seeking protection of the life and liberty of the petitioner and her husband and for a direction to Respondent No.2 to record the statement of the petitioner at Bhopal or through online mode, instead of compelling her to travel to Ghazipur, Uttar Pradesh.

2. In compliance with the order dated 25.08.2026, Shri Raju Diwakar, Town Insepector alongwith Shri Jitendra Kumar Yadav, Sub Inspector, posted at Police Station, Rewtipur, District Gazipur are present before this Court.

3. The case of of petitioner is that her date of birth is 05.06.2008 and, accordingly, she attained the age of majority on 05.06.2026. She claims to be an adult competent to take decisions concerning her life and choice of



spouse. According to the petitioner, she married Satyam Giri of her own free will and against the wishes of her parents. The marriage certificate issued by the Marriage Officer, Bhopal has been filed as Annexure-P/2. It is stated that her parents and family members are opposed to the marriage and, with the assistance of the police authorities, are attempting to call her and her husband to Ghazipur, Uttar Pradesh. The petitioner apprehends that if she is taken there against her wishes, she and her husband may be subjected to physical harm and may even be killed. The petitioner states that on 14.08.2026 certain police personnel came to her and served a notice issued by Respondent No.2, requiring her to appear for recording of her statement. According to her, the police personnel intended to take her to Ghazipur and she somehow managed to avoid accompanying them. A copy of the notice dated 14.08.2026 has been filed as Annexure-P/3.

4. It is further pleaded that the petitioner's husband approached the competent authorities seeking protection of their lives and also submitted a complaint at Police Station Ratibad, District Bhopal. The petitioner's grievance is that, although she is an adult and has married of her own free will, Respondent No.2 is insisting upon taking her to Ghazipur for recording her statement. She apprehends danger to her life and liberty if she is compelled to travel there. She therefore seeks a direction that her statement be recorded at Bhopal or through electronic mode and that appropriate protection be extended to her and her husband.

5. Learned counsel for the petitioner submits that the petitioner is admittedly an adult and is entitled to take a decision regarding her choice of spouse and



manner of living. It is submitted that the petitioner has voluntarily married Satyam Giri and the marriage certificate is already available on record. Learned counsel submits that the petitioner's parents are opposed to the marriage and the petitioner has a genuine apprehension that she and her husband may be subjected to violence if taken to Ghazipur. It is further submitted that there is no necessity to compel the petitioner to travel to Ghazipur merely for recording her statement when the same can conveniently be recorded at Bhopal or through electronic means.

6. Learned Government Advocate appearing for respondent No.1/State submits that, although he is not representing respondent No.2, he may, upon obtaining instructions from the Investigating Officer, make submissions on behalf of respondent No.2 solely for the purpose of assisting this Court. He submits that the police authorities are only seeking to record the statement of the petitioner in connection with the proceedings/inquiry and there is no intention to cause any harm to the petitioner or her husband. It is submitted that the petitioner cannot seek a blanket direction restraining the police authorities from conducting an inquiry or recording her statement. However, learned Government Advocate submits that appropriate safeguards may be directed by this Court, if deemed necessary, for ensuring that the petitioner's statement is recorded in accordance with law.

7. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the principal issue is with regard to the personal liberty and safety of the petitioner, who claims to have attained majority and to have married of her own free will. From the date of



birth disclosed in the petition, i.e. 05.06.2008, the petitioner attained majority on 05.06.2026. Thus, on the date of filing of the present petition, she is an adult. Her status as an adult is also not shown to be disputed by the respondents.

8. The Hon'ble Supreme Court in **Lata Singh v. State of U.P., (2006) 5 SCC 475**, recognized the right of an adult woman to marry a person of her choice and observed that neither the family nor anyone else has the authority to harass or threaten an adult couple on account of their marriage. The administration is under an obligation to protect persons who face threats on account of exercising their lawful choice. The Constitution Bench of the Hon'ble Supreme Court in **Shafin Jahan v. Asokan K.M., (2018) 16 SCC 368**, has reiterated that the right to choose a partner is an essential part of the right to life and personal liberty guaranteed under Article 21 of the Constitution. The choice of a person as to whom he or she wishes to live with is an aspect of individual autonomy and cannot ordinarily be substituted by the views of the family or society. Likewise, in **Laxmibai Chandaragi B. v. State of Karnataka, (2021) 3 SCC 360**, the Hon'ble Supreme Court emphasized that an adult person is entitled to choose a life partner and that the police authorities and other State agencies are required to deal with such persons with sensitivity and in accordance with their constitutional rights.

9. In the present case, the petitioner has produced the marriage certificate as Annexure-P/2 and has asserted that the marriage was solemnized voluntarily. This Court is not required, in the present proceedings, to adjudicate upon the validity of the marriage, except to the limited extent



necessary for protecting the petitioner's personal liberty. At the same time, the mere fact that the petitioner is an adult and has married of her own choice does not confer immunity from a lawful police inquiry. If Respondent No.2 is investigating any cognizable offence or conducting proceedings permissible under law, the petitioner cannot be granted a blanket exemption from lawful investigation. However, such investigation must be conducted strictly in accordance with law and without infringing her fundamental right to life, liberty and dignity.

10. In the facts of the present case, the petitioner has specifically expressed apprehension of danger to her life if she is compelled to travel to Ghazipur. Since her statement can be recorded in a manner consistent with law without unnecessarily exposing her to the apprehended risk, appropriate directions can be issued to balance the requirements of investigation with the petitioner's constitutional rights. Accordingly, Respondent No.2 shall not compel the petitioner to travel to Ghazipur merely for the purpose of recording her statement, if the same can lawfully be recorded at Bhopal. The petitioner shall cooperate with the inquiry/investigation and shall appear before the competent police officer at a place and time mutually fixed, subject to law.

11. If the presence of the petitioner at Ghazipur is considered indispensable for any particular purpose of investigation, the respondents shall be at liberty to proceed in accordance with law; however, the petitioner shall not be subjected to coercion, intimidation or unlawful restraint.

12. As regards the apprehension of threat to life, the Superintendent of



Police, Bhopal, and the Superintendent of Police, Ghazipur, as the case may be, shall take appropriate preventive measures in accordance with law upon receipt of a copy of this order and the petitioner's representation. The authorities shall ensure that no person takes law into his or her own hands merely because the petitioner has married against the wishes of her family.

13. It is made clear that this Court is not expressing any opinion on the validity of the marriage, the allegations, if any, forming part of the police proceedings, or the merits of any criminal case/inquiry. The competent authority shall proceed independently and strictly in accordance with law.

14. Consequently, the petition stands **disposed of** with the aforementioned directions.

(HIMANSHU JOSHI)
JUDGE

Prachi