

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 27565 of 2024

(ANKITA RATHORE AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 22-10-2024

Shri Amanulla Usmani - Advocate for the petitioners.

Shri S.K. Shrivastava - Government Advocate for the State.

Shri G.P. Singh - Advocate for respondent No.8.

Learned counsel appearing for petitioners made a prayer to withdraw his *vakalatnama* in the writ petition. Counsel for petitioners has filed IA No.19965/2024. It is submitted that he is no longer interested to prosecute writ petition on behalf of petitioners. He may be permitted to withdraw his *vakalatnama* and petitioners may be informed to engage another Advocate.

2. On submission made by learned counsel for the petitioners, IA No.19965/2024 is allowed. He is permitted to withdraw his *vakalatnama* on behalf of petitioners.

3. Registry is directed not to reflect the name of counsel in the cause list representing petitioners.

4. Petitioners were called in Court room and statements of petitioners No.1 and 2 are recorded in Chamber as relatives of petitioners may disturb the Court. Copy of statements are made part of record.

5. Petitioners No.1 and 2 submitted that they want to marry each other . They are known to each other for last four years and in live-in relationship for last one year. It is submitted by them that they be granted police protection otherwise petitioner No.1 may be abducted by their family

members. They are not able to do their job. There is threat to their lives and limb.

6. Learned Government Advocate appearing for State submitted that police protection will be provided to petitioners and it will be seen that no harm is caused to life and limb of petitioners.

7. Learned counsel appearing for respondent No.8 submitted that petitioner No.1 is under influence of petitioner No.2. She is targeted under Love Jihad Campaign. Petitioner No.1 is brain washed and she is unable to take her decision. She is not permitted to meet her parents. It is further submitted that she may not be kept in company of petitioner No.2 and his family members. Permitting petitioner No.1 in company of petitioner No.2 or their family members may influence her decision making. He relied upon order dated 27.05.2024 passed in WP No.9589/2023 wherein Co-ordinate Bench of this Court held that *"As per Mahomedan law, the marriage of a Muslim boy with a girl who is an idolatress or a fire-worshipper, is not a valid marriage. Even if the marriage is registered under the Special Marriage Act, the marriage would be no more a valid marriage and it would be an irregular (fasid) marriage."*

8. With said findings wherein protection was made to provide them security and to give them assistance, support and security for performing marriage before Marriage Registration Officer was dismissed. It is submitted that in view of judgement passed by Co-ordinate Bench, no protection can be granted to petitioners and petition may be dismissed.

9. Question of law raised is dealt separately. To diffuse the situation in

Court, interim order is passed. Final order shall be passed separately.

10. It is the duty of Court to see that no citizen is deprived of his life and liberty without recourse to law. No person may be harmed by use of force or violence by any other person. If protection is not granted then same may be resulted in injury to petitioner No.1 or petitioner No.2 by relative or family members. Every citizen has a fundamental right in this Country to take decision for his personal life. Marriage of one person to another person is a personal decision of a person and a person is free to take decision regarding his relationship or marriage with another person.

11. As there is strong possibility of injury to petitioner No.1 and 2, therefore, Superintendent of Police, Jabalpur (MP) is directed to give police protection to petitioner No.1 namely Ankita Rathore. Police party will take petitioner No.1 to the place where she is living and permit her to collect her all belongings and articles which are used by her for day to day life. After collection of said articles, she will be taken to "Raj Kumari Bai Bal Niketan, Shastri Bridge, Jabalpur". Said Nari Niketan will give shelter, food and safe place for sleeping to petitioner No.1. Petitioner No.1 will live in there till 11.11.2024. During this time petitioner No.1 will not be contacted by petitioner No.2 or their family members. During such time, she is free to think about her decision to marry petitioner No.2. On 12.11.2024, she will be taken to Registrar of Marriage where her statement will be recorded before Registrar of Marriage for conducting marriage under Special Marriage Act, 1954.

12. Petitioner No.2 is also given protection. He will be taken by police

party at an undisclosed location for his safety. When circumstances are conducive, he will be taken to his home and left in company of family members and relatives. It is duty of police to see that no harm is caused to petitioner No.2. While taking petitioner No.1 and petitioner No.2 to their destination, no person will be permitted to contact or talk with them. If any person forcefully wants to contact petitioners No.1 and 2 and commits offence of wrongful restrain or use criminal force then Superintendent of Police is directed to register a case against such person and take action in accordance with law.

13. Order will be complied with during the course of the day.

(VISHAL DHAGAT)
JUDGE

SA