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WP-4685-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 13<sup>th</sup> OF FEBRUARY, 2026WRIT PETITION No. 4685 of 2026*SMT.**ND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Rambihari Gautam - Advocate for the petitioners.*

*Shri Yadvendra Dwivedi - Panel Lawyer for respondents/State.*

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ORDER

Petitioners are present in person.

By way of present petition petitioners seek the following reliefs:-

*"(i) To issue a writ in nature of mandamus to direct the respondent no.1 to not initiate any coercive action upon the complaint of respondent no.3, in the interest of justice.*

*(ii) To issue a writ in nature of mandamus to provide a proper security from the respondent no. 2 and his relatives to the petitioners further direct the respondent no.2 and 2 to not harass and torture to the petitioners, in the interest of justice.*

*(iii) Any other relief may also be granted to the petitioner in such a case."*

2. It is the case of the petitioners that they are major and are Hindus by religion belonging to different caste and society. The petitioner No.1 belong to Yadav community however, the petitioner No.2 belongs to Kushwaha community. Their marriage have been solemnized on 09.01.2026 from the Hindu Vivah Sansthanam Samiti, Bhopal as per Hindu Rites and Rituals



with consent of each other without any pressure, fear and greed. The copy of marriage certificate is brought on record as Annexure P/1. They have also produced the marksheets to prove that they are adults. The petitioner No.1 is aged about 23 years and petitioner No.2 is aged about 19 years. It is pointed out that the family of the petitioner No.2 along with other members of the community are attempting to initiate criminal proceedings against the petitioner. It is submitted that the respondent No.3-father of petitioner No.1 is unnecessarily harassing and torturing the petitioners by compelling him them to dissolve the marriage. He has lodged false complaint before respondent No.2 against petitioner No.2.

3. It is submitted that the petitioners are legally entitled to marry and reside with a person of their own choice. The petitioners have solemnized their marriage in accordance with the social customs and are presently living together in peace. It is submitted that no person or authority has the right to interfere with the realization of that choice. Even otherwise, obstructing an individual's right to choose their partner amounts to a direct assault on the essence of dignity itself. It is argued that the Hon'ble Supreme Court has granted protection to such kind of inter-caste marriages; wherein, the parents being unhappy lodge false reports. Learned counsel for the petitioner has placed reliance upon the judgment passed by the Supreme Court in the case of **Lata Singh Vs. State of U.P. and Another** reported in (2006) 5 SCC 475 and in the case of **Shakti Vahini Vs. Union of India and others** reported in (2018) 7 SCC 192. Hence, this petition.

4. *Per contra*, learned counsel appearing for the State has vehemently



opposed the contentions raised by the petitioners, but he could not dispute the fact that the petitioners are major and they have solemnized their marriage on their own free will.

5. Heard the learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioners are majors and they have solemnized their marriage on 09.01.2026. The family of the petitioner No.1 are attempting to initiate criminal proceedings against the petitioners and they have been threatened to falsely implicate them in a criminal case.

7. The Hon'ble Supreme Court in the case of **Lata Singh** (supra) has held as under:-

*"This case reveals a shocking state of affairs. There is no dispute that the petitioner is a major and was at all relevant times a major. Hence she is free to marry anyone she likes or live with anyone she likes. There is no bar to an inter-caste marriage under the Hindu Marriage Act or any other law. Hence, we cannot see what offence was committed by the petitioner, her husband or her husband's relatives.*

*We are of the opinion that no offence was committed by any of the accused and the whole criminal case in question is an abuse of the process of the Court as well as of the administrative machinery at the instance of the petitioner's brothers who were only furious because the petitioner married outside her caste. We are distressed to note that instead of taking action against the petitioner's brothers for their unlawful and high-handed acts (details of which have been set out above) the police has instead proceeded against the petitioner's husband and his relatives.*

*Since several such instances are coming to our knowledge of harassment, threats and violence against young men and women who marry outside their caste, we feel it necessary to make some general comments on the matter. The nation is passing through a*



*crucial transitional period in our history, and this Court cannot remain silent in matters of great public concern, such as the present one.*

*The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and*



*shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism.*

*.....The police at all the concerned places should ensure that neither the petitioner nor her husband nor any relatives of the petitioner's husband are harassed or threatened nor any acts of violence are committed against them. If anybody is found doing so, he should be proceeded against sternly in accordance with law, by the authorities concerned."*

8. In such circumstances, considering the judgment passed by the Hon'ble Supreme Court in the case of **Lata Singh** (supra), this Court deems it appropriate to dispose of this petition directing the Superintendent of Police, /respondent No.2 to look into the matter and take appropriate steps for providing protection to the petitioners for their safety of life and liberty in accordance with law.
9. With the aforesaid, this petition stands allowed and disposed off.

(B. P. SHARMA)  
JUDGE

L.Raj