

**THE HIGH COURT OF MADHYA PRADESH
WP-14537-2021
Monika Tiwari and anr. Vs. State of MP and ors.**

Through Video Conferencing

Gwalior, Dated : 11-08-2021

Shri Santosh Sharma, Counsel for the petitioners.

Shri Deepak Khot, Counsel for the State.

This petition under Article 226 of the Constitution of India has been filed seeking the following relief:-

- 1) That, the respondents be directed not to initiated any criminal proceedings against the petitioners in the interest of justice and directed to respondents to give them protection by the criminal and respondent no. 4 & her family.
- 2) Further respondent no. 4 be directed not lodge any criminal case against the petitioners, as the petitioners have married with mutual consent.
- 3) Any other relief, which this Hon'ble Court deems fit in the facts and circumstances may also kindly be granted.”

It is the case of the petitioner that they have performed marriage voluntarily and they are of marriageable age. The parents of the petitioner No. 1 are not happy and with the help of criminals, respondent No. 4 is torturing the petitioners. It is further mentioned in the writ petition that the oral information of marriage was given to the higher authorities of police. However, no security has been provided to the petitioners.

Per contra, the petition is vehemently opposed by the counsel for the State. It is submitted that the petitioners have not sought any

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protection, but they are seeking that no FIR should be registered against them.

Heard the learned counsel for the parties.

In the writ petition, there is no whisper of any incident which might have taken place with the petitioners, amounting to any offence and there is no whisper that on what date father of the petitioner No. 1, i.e., respondent No. 4 had ever tried to threat the petitioners by taking help of criminals. Even the petitioners have not approached the police authorities by making any complaint either in person or through registered post. Thus, it is clear that the petitioners have taken the law laid down by the Supreme Court in the case of **Lata Singh Vs. State of U.P.** reported in (2006) 5 SCC 475, as a necessary ritual for a valid marriage.

This Court is of the considered opinion that this attitude of the petitioner is a sheer misuse of process of law. It is true that two major persons are entitled to live their life as per their own wishes and nobody has a right to interfere in their married life, but the protection order should not be made as a ritual of a valid marriage. Under Hindu law, *Sapt padi* is a ritual for a valid marriage or registration of marriage under the Special Marriage Act or if marriage is performed in accordance with any special statute or in accordance with the

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custom, would be a valid marriage.

Be that whatever it may.

The petitioners have miserably failed in disclosing any cause of action for filing this petition.

Accordingly, this petition fails and is hereby **dismissed**.

(G.S. Ahluwalia)
Judge

Abhi

