

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPHC No. 11 of 2019

Matadin Tiwari S/o Mahanand Tiwari Aged About 60 Years R/o Saddu Colony,
Police Station Mova, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Ministry of Home Affairs, Mantralaya, Mahanadi Bhavan, New Raipur, District Raipur Chhattisgarh.
2. Superintendent of Police Raipur, District Raipur Chhattisgarh.
3. Superintendent of Police (Government Railway Police), Raipur, District Raipur Chhattisgarh.
4. Station House Officer, Government Railway Police (GRP), Police Station GRP, Raipur, District Raipur, Chhattisgarh.
5. Dinesh Bharti S/o Laxman Bharti, Aged About 25 Years, R/o Village Jhalmokhari, Police Station Ranitarai, Patan, District Durg, Chhattisgarh.

---- Respondents

WPCR No. 187 of 2019

1. Pooja Bharti (before marriage Pooja Tiwari) W/o Shri Dinesh Kumar Bharti Aged About 22 Years R/o Hospital Road, Village Hanoda, P.S. Adarsh Nagar, Tah. And District- Durg, Chhattisgarh.
2. Dinesh Kumar Bharti S/o Shri Laxman Bharti Aged About 25 Years R/o Hospital Road, Village Hanoda, P.S. Adarsh Nagar, Tah. And District- Durg, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through- Director General of Police, Police Head Quarter, Civil Lines, Raipur, Chhattisgarh.
3. The Superintendent of Police District- Raipur, Chhattisgarh.
4. Station House Officer, Government Railway Police Station Raipur, District- Raipur, Chhattisgarh.
5. Station House Officer, AJAK Police Station Durg, District- Durg, Chhattisgarh.
6. Shri Matadeen Tiwari, Aged About 52 Years, R/o 9/1007, Thakkar Para Ward,

Gulab Nagar, Gondwara Road, Gudhiyari, Raipur, Tah. And District- Raipur, Chhattisgarh.

7. Ramesh Pande Posted as A.S.I. Government Railway Police Station Raipur, District- Raipur, Chhattisgarh (Mob. No. 91 9131621126).

---- Respondents

<u>WPHC No. 11 of 2019</u>	
For Petitioner :	Shri Sushobit Singh, Advocate.
For Respondent/State :	Shri R.S. Baghel, Deputy Advocate General.
For Respondent No.5 :	Shri Mayank Chandrakar, Advocate.
<u>WPCR No. 187 of 2019</u>	
For Petitioners :	Shri Mayank Chandrakar, Advocate.
For Respondent/State :	Shri R.S. Baghel, Deputy Advocate General.
For Respondent No.6 :	Shri Sushobit Singh, Advocate.
Shri L.S. Rajput, Station House Officer, GRP, Raipur is present.	

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Prashant Kumar Mishra, Acting Chief Justice

11/04/2019

1. WPCR No.187 of 2019 has been preferred by Pooja Bharti and Dinesh Kumar Bharti for police protection whereas WPHC No.11 of 2019 has been preferred by Matadin Tiwari, father of Pooja Tiwari @ Pooja Bharti for her production before this Court as also for initiation of appropriate action including criminal prosecution against Dinesh Kumar Bharti, respondent No. 5.

2. Pooja Bharti and Dinesh Kumar Bharti are present. Pooja Bharti states that her date of birth is 10/12/1996 whereas Dinesh Kumar Bharti was born on 14/12/1993. Thus, both of them are major being more than 18 years of age. On enquiry, they would state that they have performed marriage at Arya Samaj Temple, Gurudwara Road, Nehru Nagar, Durg, Chhattisgarh on 06/03/2019 and since then, they are residing together as married couple at village Jhalmokhari, Police Station Ranitarai, Tahsil Patan, District Durg, Chhattisgarh. They would further state that they are willing to continue their marital relationship. Pooja Bharti

would further state that she has performed marriage at Arya Samaj Temple out of her own sweet will without there being any coercion, misrepresentation or fraud by Dinesh Kumar Bharti. She even refuses to meet her parents.

3. Both the boy and girl having attained the age of majority, no direction can be issued either for handing over her custody or for grant of visitation right to her father Matadin Tiwari. In this view of the matter, WPHC No.11 of 2019 stands dismissed.

4. In so far as WPCR No.187 of 2019 is concerned, an interim order has already been passed on 26/03/2019 directing respondent No.1-Secretary, Home Department, Government of Chhattisgarh and respondent No. 5- Station House Officer, AJAK Police Station, Durg to ensure protection of limb and liberty of Pooja Bharti and Dinesh Kumar Bharti.

5. We have verified about the ground situation from Pooja Bharti and Dinesh Kumar Bharti. They would only raise apprehension that their life may be disturbed by the parents of Pooja Bharti. During interaction, we have not sensed that the apprehension is founded well. Even the petitioners, Pooja Bharti and Dinesh Kumar Bharti, do not wish that the interim order should be continued for any further period.

6. In view of the above, WPCR No.187 of 2019 is disposed off with an observation that as and when the petitioners' feel threat to their life and liberty, they would be free to move again before this Court.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge