

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.838 of 2022

Debasmita Mishra

....

Petitioner

*Mr. S. Mohapatra,
Advocate*

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Sk. Zafarulla,
Additional Standing Counsel*

**CORAM:
JUSTICE BISWAJIT MOHANTY**

**ORDER
19.05.2022**

Order No.

01. 1. Heard Mr. S. Mohapatra, learned counsel for the petitioner and Mr. Zafarulla, learned Additional Standing Counsel.
2. According to Mr. Mohapatra, the petitioner, who happens to be a major, married to Santosh Kumar Giri (opposite party No.5) on 11.04.2022 without the consent of her parents. Since it was an inter-caste marriage, complaint was filed against her husband (opposite party No.5) as a result of which, both the petitioner and the opposite party No.5 are being harassed by the I.I.C., Soro Police Station (opposite party No.4). In this context, Mr. Mohapatra draws the attention of this Court to a decision of the Supreme Court in the case of **Lata Singh Vs. State of U.P. and another**, AIR 2006 S.C. 2522 wherein the Supreme Court has observed as follows:

“17. 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.”

3. During course of hearing, Mr. Mohapatra submits that though highlighting all her grievances, the petitioner has approached the Superintendent of Police, Balasore (opposite party No.3) by filing a grievance petition on 21.04.2022 under Annexure-3 series sent through registered post on the same day however, till date nothing has been done in the matter. In such background, he prays that a direction be issued to the opposite party No.3 to take a decision on the above noted grievance petition of the petitioner within a specific time period.

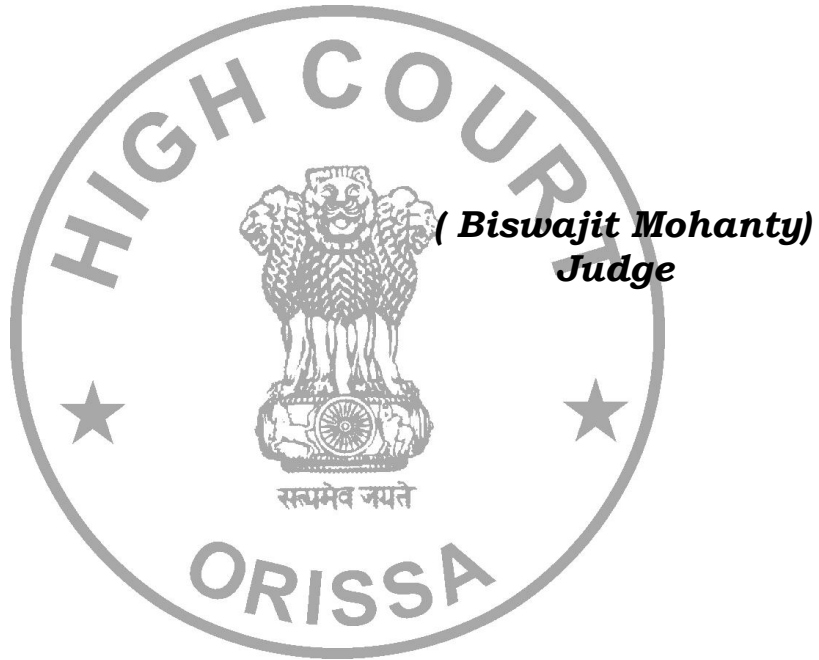
4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court

directs the Superintendent of Police, Balasore (opposite party No.3) to take a decision on the above noted grievance petition dated 21.04.2022 of the petitioner under Annexure-3 series in accordance with law keeping in mind the above noted decision of the Supreme Court within a period of three weeks from the date of receipt of a certified copy of this order.

5. Till a decision is taken on the above noted grievance petition of the petitioner, no coercive action shall be taken against her.

6. Accordingly, this CRLMP is disposed of.

7. Urgent certified copy of this order be granted on proper application.



Prasant