

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 147 of 2022

Arun Kumar Ojha & Another

.....

Petitioners

Mr. P.K. Satapathy, Adv.

Vs.

State of Odisha & Others

.....

Opposite party

Ms. Saswata Pattnaik, A.G.A.

Mr. Omkar Devdas, Adv.

(For O.P. Nos. 5 to 11)

CORAM:

**JUSTICE S.TALAPATRA
JUSTICE SAVITRI RATHO**

ORDER

14.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.

2. Mr. Omkar Devdas, learned counsel files the Vakalatnama on behalf of the opp. parties no. 5 to 11 in Court today. The same is taken on record.

3. Heard Mr. P.K. Satapathy, learned counsel appearing for the petitioners, Ms. Saswata Pattnaik, learned Addl. Govt. Advocate appearing for the opp. parties no. 1, 2 and 3-State and Mr. Omkar Devdas, learned counsel appearing for the opp. parties no. 5 to 11.

4. By means of this writ petition, the petitioners have urged this Court to direct the Deputy Commissioner of Police, Bhubaneswar to

provide necessary protection of life and liberty of the petitioners and save them from perceived harm from their parents.

5. Today, we had the benefit of interacting with the petitioners and the opp. party no. 5, who is the father of the petitioner no.2. Allegations are mostly directed against the opposite party no.5.

6. It is an admitted position that the petitioners having attained the marriageable age married each other and they are living together. They have directed the allegations against the opp. parties no.5 to 11, particularly against the opp. party no.5 of threatening them of serious consequences. The opposite party no.5 had asked his daughter (the petitioner No.2) to leave the company of the petitioner no.1, but the petitioner no. 2 has refused to abide by such request.

7. In the course of interaction, the petitioners, particularly the petitioner no.2, has categorically stated that she has serious apprehension from her father (the opp. party no.5).

8. In such circumstances, we are persuaded to observe that when two adult male and female have preferred to marry each other, the parents are not supposed to interfere with their life or apply force

which is criminal in nature for separating them. The petitioner no.2 was categorical in expressing serious “*apprehension to life*” in the open Court, in presence of the opp. party no.5.

9. In that emerged circumstances, the opp. party no.5 has preferred to recall his resistance to the prayer as urged in this writ petition. This writ petition is therefore disposed of, with the following observations and direction.

The opp. parties no.5 to 11 are directed not to interfere with the life of the petitioners in any manner and if they are found to have interfered with their life either by applying force by themselves or by their agents, those actions shall be dealt seriously by the law. We direct the enforcing agencies that if anything untoward happens within the territorial jurisdiction of the State of Odisha, the opp. parties no. 1, 2 and 3 shall provide all protections to the petitioners and take action as due in law against the perpetrators.

The opp. party no.5 is directed to handover the certificates, testimonials and other documents of the petitioner no.2 through the counsel of the petitioners. Such documents shall be handed over to learned counsel for the petitioners within a fortnight from today.

10. There shall be no orders as to costs.
11. Urgent certified copy of this order be granted as per rules.
12. Free copy of this order be supplied to Ms. Saswata Pattnaik,
learned Addl. Govt. Advocate.

(S.Talapatra)
Judge

Sukanta

(Savitri Ratho)
Judge

