

The High Court Of Madhya Pradesh

WP No. 1714 of 2022

(GULJAR KHAN Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 28-01-2022

Heard through Video Conferencing.

Shri S.K. Raghuwanshi, learned counsel for the petitioner.

Smt. Priyanka Mishra, learned Government Advocate for the respondent/State.

Corpus-Arti Sahu present through video conferencing.

Petitioner-Guljar Khan is present in the Court premises.

This petition by way of *habeas corpus* has been filed by petitioner Gulzar Khan, who is alleging that he has married the corpus at BMA Maharashtra (Bandra) and the corpus had willingly converted to *Islam*. It is alleged that the parents of the corpus, i.e., respondents No.6 and 7 have forcibly taken her to Banaras and have illegally detained her there.

As per the direction of this Court, the corpus has been produced before this Court through video conferencing through the Office of the Advocates' General. The corpus, who is 19 years old has stated before the Court that she had willingly married the present petitioner and converted to *Islam*. She has made a categorical statement that she was never forced into conversion and whatever she has done was as per her own wishes. She has further stated that her parents and her grand parents have forcibly taken her to Banaras where she was beaten up and threatened constantly to give statement against the petitioner. She has further stated that she wants to go with the petitioner as she has willingly married him.

Learned counsel for the State has raised an objection in view of the Madhya Pradesh Freedom of Religion Act, 2021 (in short for '**the Act of 2021**'). It is vehemently argued that any marriage performed in contravention of Section 3 of the Act of 2021 shall be deemed null and void. It is pointed out that Section 3 of the Act of 2021 provides that no person shall convert for the purpose of marriage and any conversion in contravention of this

provision shall be deemed null and void. It is stated that in view of Section 3 read with Section 6 of the Act of 2021, the marriage of the petitioner with the corpus is null and void.

Be that as it may, the petitioner and corpus both are major. No moral policing can be allowed in such matters where the two major persons are willing to stay together whether by way of marriage or in a live-in relationship, when the party to that arrangement is doing it willingly and not forced into it.

The corpus before this Court has clearly stated that she had married the petitioner and wants to stay with him. The corpus is major person. Her age is not disputed by any of the parties. The Constitution gives a right to every major citizen of this country to live her or his life as per her or his own wishes. Under the circumstances, the objection raised by the counsel for the State and her prayer to send the corpus to Nari Niketan is rejected.

Under the circumstances, counsel for the State and the police authorities, who have produced the corpus are directed to handover the corpus to the petitioner and to see that the petitioner and the corpus reached their house safely. The police authorities are also directed to see that in future also the corpus and the petitioner are not threatened by the parents of the corpus.

With the aforesaid directions, the petition stands **disposed of**.

Certified copy/e-copy as per rules/directions.

(NANDITA DUBEY)
JUDGE