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WP-31544-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 18th OF AUGUST, 2025WRIT PETITION No. 31544 of 2025*Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Aayush Sharma - Advocate for the petitioner.

Shri Abhijeet Awasthi - Dy. Advocate General for respondents.

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ORDER

Per. Justice Atul Sreedharan

The Corpus, who is being referred to as 'X' herein in this case, has been produced before this Court. The undisputed age of the Corpus 'X' is more than 18 years.

Upon being asked, the Corpus has stated that she would like to live with the person with whom she had eloped.

Learned counsel for the petitioner submits that the person with whom she had eloped is a married man and therefore, she should be living with her parents.

The Court has considered the submissions put forth by learned counsel for the petitioner.

However, the undisputed fact is that the Corpus 'X' is an adult. She cannot be treated like Chasser. She has a right and a mind of her own and the right to make a decision, whether right or wrong, with regard to the person with whom she



wants to live. As regards the person with whom she wants to live being married, there is no law that prevents her from living along with the said person. If she gets married to him, the same being a non cognizable offence, only the first wife can register a case against her husband and her if such an eventuality takes place, to prosecute them for bigamy.

Learned counsel for the State has also submitted that as per the instructions, he has received from the police, the person whom she wants to live with has already left his first wife and is proposing to take a divorce.

Be that as it may, as this Court cannot pontificate on matters relating to morality and once having observed that the Corpus 'X' has a right to stay with whom she wants to stay with and as she has declined to stay with her parents, the police (Shri Manish Tripathi, D.S.P., Gotegaon, District Narsinghpur) is requested to release the Corpus 'X' after taking an undertaking from her that she is going to live with the person of her choice and also take an endorsement from the person with whom she is living that he has accepted the company of the Corpus.

With the above, this petition stands **disposed of**.

(ATUL SREEDHARAN)
JUDGE

(PRADEEP MITTAL)
JUDGE

mrs. mishra