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CASE COMMENTARY- LAXMIBAI CHANDARAGI V. THE STATE OF KARNATAKA (2021)

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Abstract

Laxmibai Chandragi B. and Mr. Santosh Yadav, petitioners Nos. 1 and 2, respectively, filed a writ petition under Article 32 of the Indian Constitution. Due to the dual jurisdiction that resulted from her residence with Mr. Santosh in Uttar Pradesh while she was from Karnataka, it was filed. They eloped and got married while receiving threats from the uncle of petitioner No. 1, so they decided to seek refuge in the court's protection. It was on this notice that the petition was filed.

Keywords: Judicial, CRPC, Evolves, judgement, case, commentary, victim, marriage, protection

NAME OF THE CASE	LAXMIBAI CHANARAGI V. THE STATE OF KARNATAKA
CITATION	Writ Petition (Crl.) No. 359 of 2020
DATE OF THE JUDGEMENT	February 8, 2021
APPELLATE	Laxmibai Chandaragi B. And Another
RESPONDENT	State of Karnataka and Others
BENCH/ JUDGE	Sanjay Kishan Kaul and Hrishikesh Roy
STATUTES/CONSTITUTION INVOLVED	Constitution of India; Criminal Procedure Code,1973;
IMPORTANT SECTIONS INVOLVED	Constitution of India – Article 21 and 32 Criminal Procedure Code – Section 154 and 482

Introduction

In accordance with Article 21 of the Indian Constitution, the ability to select your life partner is a basic right that is the subject of this lawsuit. According to Article 21 of the Indian Constitution, no one may be deprived of their personal

freedom or life except in accordance with legal procedure. According to article 32 of the Indian Constitution, the petitioners in this case first went to the Allahabad High Court, where their case was denied, and then they went to the Supreme Court of India. In the event that their fundamental rights are violated, both citizens

and noncitizens of India have the right to bring a complaint directly with the supreme court under Article 32 of the Indian constitution.

Facts

According to the plea, Mr. Basappa Chandragi lodged a complaint at the Murgod Police Station in the Savadatti Taluk of the Belagavi district. He made the complaint because his daughter Laxmibai Chandragi (petitioner No. 1) had been missing since October 14, 2020. As a result, a FIR (FIR No. 226/2020) was filed, and the investigating officer also made note of all the call information while also recording the statement of Laxmibai's parents and other family members.

Following an investigation, it was discovered that Petitioner No. 1 had flown from Hubli to Bangalore before landing in Delhi without telling her parents. She wed Mr. Santosh Yadav (petitioner No. 2) after arriving in Delhi without her parents' permission. She then made a decision. on October 15, 2020, she used WhatsApp, a social media site, to send her marriage certificate to her parents, informing them of her marriage to petitioner No. 2 as a result. Evidently, the investigating officer visited the home of petitioner No. 2 in Ghaziabad, where his parents admitted that they were unaware of the location of the petitioners. Despite the fact that Laxmibai had already wed Santosh and was living with him, the investigating officer (IO) pushed Petitioner No. 1 to provide a statement at the Murgod police station in order to end the case. Upon receiving the notice of IO, Petitioner No. 1 wrote back in a letter that she won't be allowed to go to the station since her parents have threatened her. The investigating officer did not declare the case closed; instead, he issued threats to the petitioners, warning them to return to Karnataka or else a fake case would be made against her husband, petitioner No. 2. The petitioners contend that the uncle of petitioner No. 1 threatened them. Even after roughly a month for an urgent hearing, the petitioners' request for protection for themselves and their family

members at the Allahabad High Court on October 19, 2020, was denied.

Issues

- Does marriage require consent from parents?
- Does Article 21 extend to right to marry a person of one's choice?
- Are there any guidelines for handling such sensitive issues that are mandatory to be followed by the police?

Arguments from Appellate Side

The knowledgeable attorney representing the petitioners argued that even though petitioner No. 1 sent a letter explaining why she was unable to visit the Murgod Police station because her parents were in a life-threatening situation, the investigating officer did not dismiss the case.

He added that the transcript of the conversation between the petitioner No. 1 and the police, which was provided to the court, showed that the IO had asked her to get to Karnataka as soon as possible because failing to do so would likely result in her family accusing petitioner 2 of kidnapping and jeopardising his employment.

Along with mentioning her family members, he also said that If she did not travel to Karnataka, the IO's assistance would file a case of home invasion theft, which would be terrible for petitioner No. 2's work.

He persuaded the court that the applicants are both extremely intelligent and skilled individuals. "Petitioner No. 1's wife holds an M.A.Ed from NIT Tiruchirappalli, while petitioner No. 2 holds an MTech. While the petitioner No. 1 was a Lecturer at the KLES (Karnataka Lingayat Education Society) Pre-University College, Bailhongal, the petitioner No. 2 had been hired as an Assistant Professor at the Jain College of Engineering in Belagavi, Karnataka, and it appears that they grew close during these assignments.

As a result, he concluded by stating that the parents of Petitioner No. 1 were while the parents of petitioner number two had no objections, they got their daughter married to petitioner number two.

Respondent Argument

The investigating officer filed a FIR, according to the learned counsel's appeal, even though the parents of petitioner No. 1 were unable to locate their daughter.

Additionally, he claimed that Laxmibai was invited to the Murgod police station because the investigating officer wanted to wrap off the investigation.

The claim that the investigating officer ever threatened the petitioner was refuted by knowledgeable counsel.

Judgement

The apex court criticised the actions of the police authorities, stating that the investigating officer failed to go to the home of petitioner No. 2 after receiving the marriage certificate and speaking with petitioner No. 1, who made it clear that she was married to petitioner No. 2, but would not be able to go to the police station to give a statement because of threats from her parents. Additionally, the officer disregarded ethics and complied with the parents of Laxmibai's requests to file a fake case against petitioner No. 2 if she did not return to Karnataka to record her assertion. The investigating officer must attend therapy, as required by the court, to learn how to handle similar incidents. The court believed that if the IO had done his job properly, it would not have needed to get involved in this situation. Therefore, the court mandated that in addition to providing counselling to the current IOs, a training programme be set up to deal with such instances. They also noted that the police authorities must move right away to establish guidelines for dealing with such cases within the next eight weeks.

The Shakti Vahini V. Union of India decision, which determined that adults do not need to obtain "the family's" approval, was taken into consideration by the court. or the clan" necessary, and that their choice to be married should take precedence. The court also cited the case of Asha Ranjan v. State of Bihar , in which it was determined that a person's dignity can only be upheld when he has a choice: "the individual's choice is an inextricable part of dignity, for dignity cannot be thought of where there is erosion of choice." Such a right or decision is not supposed to be influenced by ideas like "class honour" or "group thinking."

The court noted that the society was going through a significant transformational phase in Shafin Jahan V. Ashokan K.M.

The court clarified the idea that a person has the right to marry. A person of one's choice is a fundamental component of Article 21, so in this context, they cited the historic ruling in the K.S. Puttaswamy case, in which the court determined that "where the autonomy of an individual, inter alia in relation to family and marriage, were held to be integral to the dignity of the individual."

Further, the court annulled the FIR No. 226/2020 dated 15.10.2020, declaring that no further action is necessary and expressing the hope that the parents of Petitioner No. 1 would approve of this union in order to "re-establish social network not only with Petitioner No. 1 but even with Petitioner No. 2."

Conclusion

The world is evolving and becoming more modern, and this is influencing how people think and behave. India isn't There is an exception to this rule of cause and effect now that it is clear that adult people want to work on their own, independently of society's rules and regulations, without anybody forcing or arresting them while making decisions about their lives. Inter-caste weddings shouldn't be viewed as a taboo; instead, they should be encouraged because



they will improve intergroup harmony and socialisation.

The younger generation will bring about change in society, and the older generation should welcome that transition rather than blocking the path to peace and integrity.

"Perhaps this is the direction we should go in so that intermarriage can lessen caste and communal problems, but in the interim, the elders are threatening these children, and the courts have been stepping in to protect them.

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