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## **CASE COMMENT ON LAXMIBAI CHANDARAGI B & ANR. V. THE STATE OF KARNATAKA AND ORS.**

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**Case Name:** Lakshmi Bai Chandaragi B & Anr. v. The State of Karnataka and Ors.

**Decided:** 8 February, 2021

**Citation:** WRIT PETITION [CRIMINAL] NO.359/2020

**Appellant:** LAXMIBAI CHANDARAGI B & ANR

**Vs.**

**Respondent:** STATE OF KARNATAKA AND ORS.

**Judges sitting:** Sanjay Kishan Kaul, Hrishikesh Roy.

**FACTS:**

Mr. Basappa Chandaragi filed an FIR stating that his daughter Ms. Laxmi Chandaragi, petitioner No.1 herein was missing since 14.10.2020. The Investigation Officer investigated petitioner No.1's relatives and friends. From the investigation, it was clear that the petitioner No.1 was in contact with Mr. Santosh Singh Yadav, petitioner No.2. The petitioner No.1 travelled by from Hubli to Delhi and married petitioner No.2. The petitioner No.1 sent her marriage certificate to her parents through whatsapp in which she revealed the factum of marriage to petitioner No.2 on 15.10.2020. It is important to mention that both parties are well educated. The Petitioner No. 2 is an M.Tech from NIT, Tiruchirapalli, while Petitioner No.1 is an M.A.B.Ed. Petitioner No. 2 had got a placement as an Assistant Professor in Jain College of Engineering, Belagavi, Karnataka while Petitioner No.1 was a Lecturer in Karnataka Lingayat Education Society Pre-University College, Bailhongal and in the course they fell in love with each other during these assignments. Meanwhile, The Investigation Officer went to Ghaziabad to know the whereabouts of Petitioner No.1. The Investigating Officer was informed by his parents that they do not know about the whereabouts of the petitioners. Petitioner No.1 contacted the Investigation Officer and informed that she had married petitioner No.2 and was

residing with him. But the Investigation Officer asked the petitioner No.1 to come out before the Murgod police station to record a statement in order to close the case. The petitioner No.1 wrote a letter to the IO stating that she was unable to reach the police station because of the intimidation from her parents. The IO did not close the case even after her request. The petitioners have annexed a transcript of the conversation between petitioner No.1 and the police whereby the IO is asking her to come back to Karnataka as otherwise they will come to her and register a case of kidnapping against petitioner No.2 at the behest of her family members. The petitioners approached Allahabad High Court on seeking protection. But, the matter was not taken up even after one month for urgent hearing. So, both the petitioners filed a writ petition under Art.32 of the constitution to enforce their Right to life (Art. 21 of the constitution).

### **ISSUES:**

1. Whether the action of Investigation Officer in insisting the petitioners to visit Murgod is justified?
2. Can the parents exert any influence over the matrimonial choices of any person?
3. Whether the FIR filed with Murgod Police station is quashed?

### **RULE OF LAW:**

**Article 32(1):** The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed<sup>1</sup>.

**Article 21** of the Indian Constitution: “No person shall be deprived of his life or personal liberty except according to a procedure established by law”<sup>2</sup>.

### **JUDGMENT:**

- 1. Whether the action of Investigation Officer in insisting the petitioners to visit Murgod is justified?**

**No.**

The Supreme Court opined that the police authority is to not only counsel the current IOs but also devise a training programme to deal with such cases for the benefit of the police personnel.

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<sup>1</sup> India const.art.32, cl.(1).

<sup>2</sup> India const.art.21.

The Supreme Court held that they expect the police authorities to take action in this behalf in the next eight weeks to lay down some guidelines and training programmes how to handle such socially sensitive cases. The Apex Court expressed its displeasure with the IO's handling of the probe. It was argued that if the IO could have gone to Petitioner No. 2's house, he could have recorded Petitioner No. 1's statement there rather than demanding and asking on the petitioners to come to the local police station in Karnataka, causing the inquiry to be delayed. Furthermore, the IO's threat to bring false charges against the Petitioner's husband if she did not come to Karnataka to give her statement was severely criticized by the Apex Court. The Bench noted that it would not be necessary to intervene if the IO conducted his duty proper.

## **2. Can the parents exert any influence over the matrimonial choices of any person?**

**No.**

The Supreme Court observed that educated younger boys and girls are choosing their life partners, which is a departure from previous societal norms in which caste and community played a significant role. Perhaps this is the way forward, with inter-caste marriage reducing caste and community tensions, but in the meantime, these children face threats from their elders, and the courts have stepped in to help them. The Court's previous legal rulings clearly elucidate that the approval of the family, community, or clan is not required if the two mature persons agree to join into matrimony, and that their consent must be given piously precedence. In that context, it was also noted that an individual's choice is an inextricable aspect of dignity, because dignity cannot be considered when choice is eroded. Such a right or option is unlikely to be influenced by concepts like "class honour" or "group mentality."

This Court noted that society was at a critical transitional era. Marriage intimacies are contained inside a core zone of seclusion that is inviolable, and even concerns of religion have no bearing on them. Article 21 of India's Constitution was determined to include the freedom to marry a person of one's choice<sup>3</sup>. It was held that the parents cannot exert any influence over the matrimonial choices of any person.

## **3. Whether the FIR filed with Murgod Police station is quashed?**

**Yes.**

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<sup>3</sup> Shafin Jahan v. Asokan K M & Ors.

The Court held “In the present case, the petitioners having filed the present petition, no further statement is really required to be recorded and thus, the proceedings in pursuance of the FIR No.226/2020 dated 15.10.2020 registered at Murgod Police Station, Belagavi District, Karnataka are quashed with the hope that the parents of petitioner No.1 will have a better sense to accept the marriage and re-establish social interaction not only with petitioner No. That is, in our opinion, the only path ahead. To alienate the kid and son-in-law under the guise of caste and community will hardly be a good social activity.” Thus the FIR filed is quashed and the writ is disposed.

### **ANALYSIS:**

The manner, in which the investigation was conducted, in my opinion, did not reflect good on the police department or the IO in particular. Petitioner No. 1 showed her marriage certificate, which clearly stated that she was married to Petitioner No. 2, and stated that she was terrified to come to the police station because her family's activities had intimidated and threatened her. The Hon'ble Supreme Court criticized the Investigating Officer for employing such techniques and ordered that he be sent for counseling to learn how to deal with similar circumstances in the future. This establishes a firm precedent and serves as an example to other IOs dealing with similar issues, as well as demonstrating the Court's harsh views on the manner in which investigations are conducted. Also, the Court has rightly held that the two mature individuals have right to choose their life partner according to their choice by following the previous Supreme Court rulings like **Shakti Vahini v. Union of India**, 2018 in which the Apex Court held that the agreement of the family, community, or clan is not required if two mature persons agree to enter into matrimony and that their consent must be given priority. "An individual's choice is an inextricable aspect of dignity, because dignity cannot be thought of where there is loss of choice."

It was observed by the court that 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 united. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system<sup>4</sup>. So, the court has rightly held that the parents cannot influence their children's marriage choice. From the judgment of **Asha Ranjan vs State Of Bihar And Ors and Justice K.S.Puttaswamy (Retd) vs Union of**

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<sup>4</sup> Lata Singh v. State of U.P. and Another, AIR 2006 SC 2522.

**India**, it was evident that the autonomy of an individual inter alia in relation to family and marriage were held to be integral to the dignity of the individual<sup>5</sup>. Culture and society are dynamic, and while we frequently proclaim that we as a culture are evolving and welcoming change, the idea that a person has to go to court just because they formed feelings for someone and married them is worrisome. However, it is a comfort that the Apex Court of India, in resolving the case, did not deal with the issue in line with long-established cultural conventions.

The quashing of FIR filed against the appellant is justified.

### **CONCLUSION:**

This judgment is one of the best judgments that bring light to the young boys and girls. The judgment sought to improve the living condition of the people and it might help in eradicating caste in future. In the words of Dr. B.R. Ambedkar “Annihilation of Caste:

“I am convinced that the real remedy is inter-marriage. Fusion of blood can alone create the feeling of being kith and kin, and unless this feeling of kinship, of being kindred, becomes paramount, the separatist feeling—the feeling of being aliens—created by Caste will not vanish. Where society is already well-knit by other ties, marriage is an ordinary incident of life. But where society is cut asunder, marriage as a binding force becomes a matter of urgent necessity. The real remedy for breaking caste is inter-marriage. Nothing else will serve as the solvent of caste.”

The Supreme Court interference in this case is really helpful. It observed that its interference would really not have been required if the police authorities conducted themselves more responsibly and also directed them to undergo a training programme to deal such cases. This judgment establishes modern thought and puts right to life and personal liberty first.

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<sup>5</sup> K.S. Puttaswamy (Retd.) and Anr.v. Union of India and Ors, AIR 2017 SC 4161.