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Case Comment: Lata Singh v State of UP and Ors

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INTRODUCTION

Lata Singh v State of UP and Ors¹ is a landmark judgment that revolves around the validity of inter-caste marriages and the right to marry which comes under Article 21 of the Indian Constitution² is a part of the Right to Life. As per the Indian Constitution, every person has a right to lead a life as per his/her choice up to the extent that it does not affect the right to life of others. In this case, The Supreme Court has opined that inter-caste marriages can be considered the best way to remove the caste system in India.

This case builds a strong foundation for the right against honour killings in India. A writ petition was filed by the petitioner in this case under Article 32 of the Indian Constitution³. The judgment given by Justice Ashok Bhan and Justice Markandey Katju ensures that a woman's right to marry is protected and all ends of justice are met.

¹ *Lata Singh v State of UP and Ors* (2006) 5 SCC 475

² Constitution of India 1950, Art 21

³ Constitution of India 1950, Art 32

FACTS OF THE CASE

In this case, Lata Singh was a 27-year-old young woman who had been living with her brothers due to the sudden demise of her parents. One day, she left her brother's house of her free will to marry Brahma Nand Gupta at Arya Samaj Mandir. She married Brahma Nand Gupta and the couple had a child out of wedlock. This was an inter-caste marriage.

After being known that Lata Singh was not present in the house, her brothers lodged a missing person report at the Sarojini Police station. The police thereafter arrested two sisters of the petitioner's husband along with the husband of one of the sisters and also the cousin of the petitioner's husband.⁴

The petitioner's brothers were furious due to her inter-caste marriage. They therefore beat up the petitioner's husband's mother and uncle by going to their residence. They also threw their luggage and furniture out of the house and locked the house with their own lock⁵. One of the brothers of the petitioner's husband was also locked in a room by the Petitioner's brothers for four or five days without meals and water. The harvest crops in the field of the petitioner's husband were also allegedly cut down by the petitioner's brothers.

Further, a false police report was also lodged by them stating that the petitioner's husband and her in-laws had kidnapped the petitioner. Subsequently, the sisters of the petitioner's husband and the husband of one of the sisters were arrested and detained in the Lucknow jail. The possession of the petitioner's husband's shop was also forcibly taken away by her brothers.

Therefore, the petitioner approached the Rajasthan Women Commission, Jaipur, and recorded her statement. Her statement was recorded by the commission and was forwarded to the Superintendent of Police (City), Lucknow.

Afterwards, the investigating officer took the statement of the Petitioner Lata Gupta, also known as Lata Singh, on 28-5-2001. To ensure her safety, armed security was provided. The Chief

⁴ Samridhhi Thakar, 'Landmark Judgements on Quashing of FIR' (*Law Insider*, 15 September 2021) <<https://www.lawinsider.in/columns/landmark-judgements-on-quashing-of-fir>> accessed 05 May 2024

⁵ 'Lata Singh Vs. State of U.P. and Anr.' (*Court Verdict*, 07 July 2006) <<https://courtverdict.com/supreme-court-of-india/lata-singh-vs-state-of-u-p-and-anr>> accessed 05 May 2024

Judicial Magistrate in Lucknow took the statement of the Petitioner on 29-5-2001, as per the provisions of Section 164 of the Code of Criminal Procedure⁶. In that statement, the Petitioner expressed that she willingly entered into a marriage with Brahma Nand Gupta. However, the Chief Judicial Magistrate in Lucknow went ahead and issued the committal order on 5-10-2001, disregarding the fact that the police had already submitted a final report on the matter. It seems that a protest petition was submitted against the police's final report, claiming that the Petitioner was not mentally capable. Nevertheless, the Petitioner underwent a medical examination by the Board of Doctors at the Psychiatric Centre in Jaipur. Their findings indicate that the Petitioner does not have any mental illness.

The Fast Track Court in Lucknow, where the case was being heard, issued non-bailable warrants against all four accused. In response, the accused filed a petition under Section 482 of the Code of Criminal Procedure⁷ in the Allahabad High Court (Lucknow Bench), which was registered as Crl. Misc. No 520/2003. The High Court has instructed the accused to appear before the Sessions Judge, who will carefully examine whether the accused has committed any wrongdoing. The issue was still unresolved. The petitioner alleged that there was apprehension of danger to her life as well as her husband's and the small child's life and therefore it was impossible for her to visit Lucknow.

Thereafter the fast-track court issued non-bailable warrants against all accused persons under Section 482 Code of Criminal Procedure⁸. As a response to this, the petitioner approached the Apex court and prayed to issue a writ of mandamus to quash the criminal proceedings before the Trial court, Lucknow to quash the charges against her in-laws.

ISSUES RAISED

1. Whether the writ petition filed by the petitioner to issue the writ of mandamus is maintainable before the Hon'ble court.

⁶ Code of Criminal Procedure 1973, s 164

⁷ Code of Criminal Procedure 1973, s 482

⁸ *Ibid*

2. Did the marriage take place out of the free will of the petitioner and can therefore be considered as a valid marriage?
3. Whether the petitioner's husband and her in-laws are liable for any offense under CrPC.

ARGUMENTS FROM BOTH SIDES

The petitioner contended that she left her brother's house voluntarily and married Brahma Nand Gupta of her own free will, asserting that it's her right to marry a person of her choice as she is an adult. It was further contended by the petitioner that after discovering her inter-caste marriage,⁹ one of the petitioner's brothers filed a missing report at Sarojini Nagar Police Station, Lucknow, and the police arrested her husband's family members. The petitioner's brothers instigated violence upon the petitioner's in-laws and forcibly took over the petitioner's husband's and his relatives' agricultural land and the shop. A false police report alleging kidnapping was also filed at the Sarojini Nagar Police Station, Lucknow which caused the relatives to be detained in the Lucknow jail and three of the relatives were not granted bail which greatly disturbed them despite their existing no case against them regarding instigation of the petitioner to get married. The petitioner's brothers threatened to kill the petitioner along with her husband and other relatives and so the petitioner, fearing for her safety, went to the Rajasthan Women Commission which then requested the Superintendent of Police, Lucknow, the National Human Rights Commission and the government of Uttar Pradesh, to investigate the matter. She also alleged that she cannot return to Lucknow as there is a great threat of danger to her and her husband and child there. The respondents in this matter claimed that they were following due process of law while filing the FIR and while taking further action.

JUDGEMENT AND RATIONALE OF THE CASE

The Supreme Court allowed the writ petition along with quashing the proceedings in the sessions trial titled State of UP v Sangita Gupta¹⁰ arising out of FIR No. 336 of 2000 registered at the Police Station Sarojini Nagar, Lucknow, pending in the Fast Track Court V, Lucknow and the warrants against the accused. The marriage of the petitioner and her husband is valid as she

⁹ Lata Singh Vs. State of U.P. and Anr (n 5)

¹⁰ Sangita Gupta v State of UP and Anr (2004) Sessions Trial No 1201/2001

was a major in all relevant circumstances and has consented to the marriage caste marriages are not barred under the Hindu Marriage Act¹¹ or any other law and hence there is no offense committed by the petitioner, her husband or the husband's relatives. The court directed the police at all the concerned places to ensure the safety of the petitioner, her husband, and the relatives of the husband and if any harassment is done against them then the authorities must bring proceedings against them in accordance with the law.

The Court stated that the Police were wrong in taking action against the petitioner's husband and his relatives instead of the petitioner's brother whose actions clearly are unreasonable and unjust and so this case raises concerns about the abuse of the process of the court and the administrative machinery. The accused persons against whom the FIR was filed had committed no offense and the case was all about the unjust actions of the petitioner's brothers who hold a feudal mindset.

The court expressed its concerns regarding the societal mindset that exists about caste and specifically inter-caste marriages and how many young people face harassment and threats if they marry outside their caste and religion. The court stated that such harassment and threats are termed completely illegal and criminal proceedings are to be instituted by police against any person who commits such acts of threat. It was suggested by the court that if the parents of the son or daughter, who enters such marriage, do not approve of the marriage then the most they can do is to cut off their relations from their son or daughter, but they cannot act barbaric and instigate harm upon their son or daughter and if such act is done then strict actions are to be taken as prescribed by law. Another concern raised by the court was regarding 'Honour killings' and how dangerous it is for society to have such ideas. Such killings are barbaric and there exists nothing honourable in these.

ANALYSIS

The Supreme Court during the hearing of the case observed the problems existing in our society that are very important to be addressed. The court while declaring the marriage between the

¹¹ The Hindu Marriage Act 1955

petitioner and her husband valid stated that the right to marry enshrined under Article 21 of the Indian Constitution is absolute for anyone who is a major and that such autonomy of the couples has constitutional protection.

The court emphasized the role of administration to protect individuals who marry against the will of society from any harassment inflicted on them for the same reason and to rather not protect the perpetrators. The court condemned honor killings and insisted on taking stringent legal actions against those who commit such acts. It is important to note that these statements released by the court definitely show the concerns of the court regarding the stigma around inter-caste marriages and the court does instruct the authorities to take actions against the perpetrators under its power to direct them but the root cause of this problem should be solved by not just punishing the perpetrators but by changing things at the ground level.

CONCLUSION

This case throws light on certain ground realities of our nation and how our society and administrative structure are lacking in certain places. The court emphasized that an adult has a right to marry any person they wish to, and inter-caste marriages shouldn't become grounds for any person to inflict harm on any person entering an inter-caste marriage. The use of power by the police in this case is considered an abuse of the administrative machinery by the court where the police should have been safeguarding the individuals. The court used its directive powers and directed that any such harassment should be dealt with by instituting criminal proceedings against any person by the police as prescribed by law. The court ridiculed 'Honor' killings and considered them as something that was shameful and barbaric.