

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE RAJENDRA KUMAR VANI

ON THE 25th OF JULY, 2024

WRIT PETITION No. 19837 of 2024

HARCHAND GURJAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rishikesh Bohare - Advocate for the petitioner.

Shri Rajesh Shukla - Additional Advocate General for the respondents/State.
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ORDER

Per. Justice Anand Pathak

Petition is in the nature of Habeas Corpus.

2. Corpus is produced by Shri Tarachand Sagar, A.S.I., and Ms. Uma Sharma, Police Constable No.326, of police Station Mrigwas, Distt. Guna.

3. At the outset, corpus informs this Court that she was taken by son of Amritlal. She wants to live with her parents. She does not want to go anywhere else.

4. Learned counsel for the respondents/State submits that case has been registered against accused persons who abducted the corpus. Suitable action shall be ensured in accordance with law.

5. This is a case where corpus is recovered by police from the perpetrators of crime and she is willing to go back to her maternal home with her parents. On surface, things look normal, but underneath such incident

leaves dejection, despondency and depression into the psyche of a girl who is hardly exposed to the frailties of human nature. Most of the times, she suffers from mental and emotional trauma because of nature of incident. Victims of sexual offences or sometimes girl left her maternal home for marriage or being annoyed by parents or Child in Need of Care and Protection are some of the instances where these children need not only the protection but some affirmative actions like Encouragement, Guidance or Mentoring for their future course of life.

6. Who will do this mentoring or guidance, is the question. Sometimes parents are illiterate. Sometimes they are busy in earning both the meals for the day and sometimes they are so shocked with the incident that they cannot handle such situation. Then, girl faces the wrath of adverse time.

7. Either parents force her to close her studies or try to marry her and shift the responsibility. Sometimes they reprimand or scold the child in such fashion that child again leaves the home and falls into the trap of perpetrators waiting for such eventuality.

8. One more aspect deserves attention is **Stockholm Syndrome**. In such mental situation, out of fear or anxiety or mental disposition, she falls in love with her own perpetrator or empathizes with him and surrenders herself to him. Even a Child in Need of Care and Protection may also undergo any one of such eventualities, therefore, it appears that parents sometimes are inadequately equipped to handle such situation as well as the child.

9. Then another question arises is if not parents, then who can take the responsibility. In this condition, it appears that Society/State have to come

forward for such purpose. According to this Court, **Shaurya Didi** is one such concept which if implemented effectively, then it can bring change in the lives of many. **Shaurya Didi** would be a female Sub-Inspector or Constable or she may be a fit person as per Juvenile Justice Act or may be a female staff of Women and Child Development Department living in the vicinity of child/victim. They can mentor, guide and encourage the victim to come into main stream and to encourage her to engage in creative pursuits. This way child would be encouraged to study or to engage in vocational course so as to stand on her own in future. Later on, she herself may become a good volunteer as **Shaurya Didi** to perform this pious work.

10. This is a concept which requires evolution by the policy makers to address the plight of victims of sexual offences as well as Child in Need of Care and Protection and at times for Child in Conflict with Law also. Concerned departments may think over framing Statutes/Rules/Guidelines in detail in this regard.

11. In the present case, Ms. Uma Sharma, Police Constable, Police Station Mrigwas District Guna, is appointed as **Shaurya Didi** for the corpus. She will guide her, mentor her and persuade her for creative pursuits and attempt shall be made by her to redress the grievances/ problems of corpus. She would visit corpus once in a week and both shall be in contact with each other on mobile regularly. For next six months, Ms. Uma Sharma would guide and encourage the corpus to do something good in life (including studies) and have a meaningful life. After six months, Ms. Uma Sharma may submit a report about her experience as **Shaurya Didi** and about the overall

status of corpus. She may file this report in office which shall place the report before this Court for consideration.

12. Since corpus intends to go with her parents, therefore, no useful purpose would be served to keep the petition pending.

13. Petition stands disposed of as rendered infructuous.

14. Corpus may go with her parents from the Court premises after due verification.

Copy of order be sent to Registrar J.J. Committee Jabalpur for information and contemplation.

(ANAND PATHAK)
JUDGE

(RAJENDRA KUMAR VANI)
JUDGE

ms/-

