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WP-5164-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE PUSHPENDRA YADAV

ON THE 2nd OF APRIL, 2026

WRIT PETITION No. 5164 of 2026

ABDHESH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Suresh Pal Singh Gurjar - Advocate for the petitioner.

*Shri Deependra Singh Kushwah - Additional Advocate General for
respondents/State.*

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ORDER

Per. Justice Anand Pathak

Corpus is produced from One Stop Centre by Sub Inspector Jitendra Singh Sikarwar, Head Constable Akhilesh Senthia and Lady Constable Bhavna from Police Station Seondha, District Datia. Petitioner, parents of corpus and respondent No.4 Anuj are present in person.

2. Instant petition is in the nature of habeas corpus.

3. As per allegations, wife of petitioner is in illegal confinement of respondent No.4.

4. Today corpus appeared before this Court. This Court raised specific query about her intention and willingness, then she submits that she is major and she is not in illegal confinement of respondent No.4. She is living



independently. She does not want to live with the petitioner (husband of corpus) as well as with her parents because her parents and her husband ill treat her. They are not her well-wishers. When this Court raised specific query from the corpus, then she submits that she wants to live with respondent No.4 Anuj.

5. This Court asked Ms. Anjali Gyanani, Government Advocate to take counselling. After counselling, she informs this Court that corpus wants to live with respondent No.4 namely Anuj and does not like to be in matrimonial fold because her husband is around 40 years old whereas she is only 19 years of age. Therefore, she shared domestic discord rather than harmony.

6. Parents of corpus wants to take corpus with them but corpus vehemently opposed and declined to go with her parents. She does not want to live with her husband also.

7. This Court raised specific query from Anuj about his intention and he submits that he is in emotional proximity with the corpus and wants to live with her in matrimonial fold after corpus taking divorce from the petitioner. He undertakes to take care of corpus well and would not be a source of embarrassment/harassment to her in any manner.

8. Considering the submissions as well as the intention of corpus and respondent No.4 where corpus also expressed desire to live with respondent No.4 Anuj, it appears that petition outlived its purpose.

9. Resultantly, corpus is permitted to move with Anuj (respondent No.4). However, for her best interest Ms. Anjali Gyanani, Government



Advocate and Lady Constable Bhavna, who has produced the corpus before this Court are appointed as "Shourya Didi" for the corpus for next six months.

10. The concept of "Shourya Didi" has been discussed in detail in case of Harchand Gurjar Vs. The State of M.P. & Ors., ILR 2024 MP 2547 by the Division Bench of this Court. Relevant discussion about "Shourya Didi" is reproduced for ready reference as under:

"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. Shourya Didis will take care of corpus for next six months and would be in regular touch with her and seek her wellbeing. She shall be released from One Stop Centre Kampoo, Gwalior after completion of due formalities.

12. With aforesaid directions, petition stands *disposed of*.

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE

(alok)