

HC UPHOLDS WOMAN'S RIGHT TO LIVE WITH PARTNER

Relevant for: Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Aurangabad bench of the Bombay High Court recently directed the Commissioner of Aurangabad to safeguard and protect a girl until she was able to join her transgender partner.

A Division Bench of Justices Sunil Deshmukh and Nitin Suryawanshi was hearing a criminal petition filed through advocate Sutej Jadhav on behalf of a 29-year-old transgender who has chosen male as his gender.

He is from Rajasthan, works in the hospitality sector in Goa and is currently staying in a shelter home for transgenders in Mumbai.

He met a girl on social media in June 2019 and they had fallen in love.

However, when lockdown after the onset of the pandemic, the girl moved to Osmanabad to be with her family.

Pressure to marry

As the girl was under pressure to get married, she contacted the person she loved and asked for his help to leave the house. They took a train to Allahabad, where she was pursuing her studies. She called her mother and told her she did not wish to return to Osmanabad, but her parents filed a missing person report with the local police and reached Allahabad the next day. She was then taken back home.

According to the girl, her parents subjected her to “mental torture” and made her undergo humiliating medical tests to “cure her sexual orientation”. She managed to leave with her boyfriend to live with his parents in Kota, Rajasthan, but the police traced her to her new location.

Legal battle

In June 2021, a lawyer in Kota filed an application before a Chief Judicial Magistrate to set the girl at liberty according to her wishes. However, she was directed to go to her parents' home by the court. She filed an application before the District and Sessions Court in Kota. However, her parents took her back and have kept her in their custody against her wishes, she said.

The High Court judges met the girl who said she did not want to go with her parents.

The court then recorded, “The girl is a major and appears to be resolute and is at liberty to act as per her wish. However, considering the apprehension expressed by the girl, the Commissioner of Police, Aurangabad, is directed to safeguard and protect the girl up to the destination she wishes to go.”

The girl is a major and appears to be resolute and is at liberty to act as per her wish

Aurangabad Bench of Bombay HC

[Our code of editorial values](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com