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PERSONAL LIBERTY AND ADULT AUTONOMY PREVAIL OVER MORALITY: MADHYA PRADESH HIGH COURT ORDERS RELEASE OF ADULT WOMAN TO LIVE WITH MARRIED MAN

N V. STATE OF MADHYA PRADESH & OTHERS (NEUTRAL CITATION: 2025 MPHC JBP 38932 DB)

In a significant judgment on the scope of personal liberty and the autonomy of adults, the Madhya Pradesh High Court held that an adult woman cannot be restrained from living with a man of her choice, even if the man is already married. The Court emphasised that once a woman is above 18 years of age, her right to determine where and with whom she wishes to reside is protected under Article 21 of the Constitution and cannot be curtailed by moral or societal considerations.

The case arose when a habeas corpus petition was filed by a relative, seeking release of a young woman who had eloped with a married man. The petitioner alleged that the woman was being illegally confined and should be restored to her family. When produced before the Court, the woman unequivocally stated that she was an adult and had chosen to live with the man voluntarily.

A Division Bench of Justice Atul Sreedharan and Justice Pradeep Mittal examined the matter and held that the corpus, being an adult, “cannot be treated like chattel” and has the constitutional right to

make her own decisions, whether others may consider them right or wrong. The Bench clarified that there is no law preventing an adult woman from cohabiting with a married man, and even if they were to marry, the offence of bigamy could only be pursued by the man's first wife, as it is a non-cognizable offence.

Emphasizing that the Court is not an arbiter of societal morality, the judges underscored that its duty lies in safeguarding the liberty and dignity of individuals guaranteed under the Constitution. To ensure legal safeguards, the Court directed that the woman be released upon submitting a written undertaking affirming her choice, while the man was required to provide an acknowledgement endorsing her decision to live with him. The High Court thus disposed of the habeas corpus petition, allowing the woman to live freely with the man she had chosen.

The judgment is notable for clarifying that family objections or moral concerns cannot curtail an adult's right to autonomy and liberty, that cohabitation with a married man is not prohibited by law and any consequences of bigamy are confined to the legal spouse's recourse, and that courts must avoid moral pontification and instead focus on upholding constitutional freedoms.

Read the full judgment here:

https://www.verdictum.in/court-updates/high-courts/madhya-pradesh-high-court/2025mphc-jbp38932-orders-release-of-adult-woman-to-live-with-already-married-man-1589104

FUNDAMENTAL RIGHT TO EDUCATION CANNOT BE CURTAILED BY AGE LIMIT: RAJASTHAN HIGH COURT ALLOWS PROVISIONAL ADMISSION OF MINOR STUDENT TO CLASS IX

AARAV SINGH V. UNION OF INDIA & OTHERS (NEUTRAL CITATION: 2025 MPHC JBP 39576)

In th In a significant ruling on the scope of the Fundamental Right to Education under Article 21 of the Constitution, the Rajasthan High Court held that a student's admission cannot be denied solely on the ground of being underage, particularly when the child has demonstrated exceptional academic capability.

The petitioner, Aarav Singh, born on March 19, 2014, had excelled in his Class VIII Board Exams for the 2023–24 session. However, when he sought admission to Class IX, the school authorities and CBSE refused, citing age-limit requirements. This denial prompted the petitioner to approach the High Court, contending that such rigid restrictions violated his fundamental right to education.

A Single Bench examined the matter and held:

1. Right to Education is Fundamental: The Court observed that the right to education cannot be curtailed merely because a child is younger than the prescribed age, particularly when merit and capability are evident.
2. NEP 2020 Guidelines Not Binding: Referring to Clause 4.1 of the National Education Policy (NEP) 2020, which prescribes a 5+3+3+4 structure across age bands, the Court held that these

guidelines are not mandatory restrictions.

3. Balancing Merit with Objective Assessment: While allowing provisional admission to Class IX, the Court directed the constitution of a Medical Board comprising three experts (including a psychiatrist and a counsellor) to conduct an IQ assessment of the petitioner. The Board's report is to be submitted to the school Principal within 15 days, who must forward it to the CBSE Chairman for final decision-making.

The Court thus ensured immediate relief by protecting the child's academic continuity while also establishing a fair mechanism to objectively assess his readiness for higher classes. The judgment is notable for affirming that:

1. The Fundamental Right to Education under Article 21 cannot be restricted by arbitrary age conditions
2. NEP 2020 age-band guidelines are flexible, not rigid.
3. Exceptional merit deserves accommodation through structured evaluation rather than procedural denial.

Read the full judgment here:

https://www.verdictum.in/court-updates/high-courts/rajasthan-high-court/aarav-singh-v-union-of-india-2025mphc-jbp39576-right-to-education-age-limit-condition-provisional-admission-1589226

RAJASTHAN HIGH COURT DENIES BAIL TO MAHESH JOSHI IN PMLA CASE INVOLVING ALLEGED CORRUPTION IN JAL JEEVAN MISSION TENDERS

MAHESH JOSHI V ENFORCEMENT DIRECTORATE, JAIPUR

The On August 30, 2025, the Rajasthan High Court, presided over by Justice Praveer Bhatnagar, rejected the bail application of Congress leader and former Public Health Engineering Department (PHED) Minister Mahesh Joshi in a money laundering case under the Prevention of Money Laundering Act (PMLA). The case centres on allegations of Joshi's involvement in facilitating illegal tenders under the Jal Jeevan Mission, receiving bribes, and laundering funds amounting to approximately ₹2 crores.

The Enforcement Directorate (ED) presented a robust case, arguing that Joshi was prima facie involved in money laundering by colluding with co-accused Mahesh Mittal and Padam Chand to secure government tenders through corrupt practices. The ED alleged that tenders were obtained using forged certificates, with bribes funneled through Joshi's close associate, Sanjay Badaya. Evidence, including statements from co-accused and the chargesheet in the predicate offense, substantiated claims that Badaya facilitated the transfer of illicit funds, receiving a commission for himself and Joshi. Approximately ₹5.40 crores were allegedly channeled through intermediaries into a firm owned by Joshi's son, with Joshi reportedly receiving ₹2.01 crores of the proceeds.

Justice Bhatnagar, after reviewing the evidence, concluded that it clearly demonstrated Joshi's involvement in the alleged offenses. The court highlighted significant misconduct by co-accused Mittal and Chand, who secured tenders through unethical means, facilitated by Badaya's role in bribe collection. The court emphasized that these actions raised serious concerns about Joshi's integrity, given his influential position. Quoting the metaphor "a fence eating the crop," the court underscored the breach of public trust by a high-ranking official tasked with upholding diligent governance, describing Joshi's alleged actions as a grave violation of duty.

The court scrutinized statements recorded under Section 50 of the PMLA, noting that while such statements are admissible and presumed true unless rebutted, their evidential value depends on the legality of the investigation process. Statements made during custody require careful examination to ensure individuals were informed of their rights. The court clarified that while it may rely on portions of these statements to establish guilt, corroborating evidence is essential to meet the threshold of proof beyond a reasonable doubt. In this case, the prosecution's evidence, including statements and financial trails, sufficiently established a prima facie case of collusion between Joshi and the co-accused.

Joshi's defense, which claimed that the funds received in his son's firm were a loan, was dismissed as unsubstantiated, with the court noting the improbability of undocumented large-scale loans from unknown entities. The timeline of the alleged acts did not weaken the evidential links between Joshi and the co-accused, pointing to a broader network of corruption.

In light of the compelling evidence and the gravity of the charges, the court found Joshi's arguments insufficient to sever his connection to the alleged crimes. Consequently, the bail application was rejected, reinforcing the judiciary's commitment to addressing corruption and upholding public accountability in high-profile cases. These ruling underscores the stringent application of PMLA provisions in tackling financial misconduct by public officials

Read full guidelines:
https://www.livelaw.in/pdf_upload/2038000800720257-617640.pdf

KARNATAKA HIGH COURT UPHOLDS COMPASSIONATE APPOINTMENT FOR DECEASED EMPLOYEE'S BROTHER DESPITE PRIOR MARRIAGE

MANTAVVA & ANR AND THE DIVISIONAL CONTROLER

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Supreme Co In a landmark judgment dated August 30, 2025, the Karnataka High Court ruled that the mere fact of a deceased employee's marriage cannot serve as a basis for denying compassionate appointment to the employee's brother, provided the spouse has predeceased the employee and no children exist. This decision was delivered by Justice Suraj Govindaraj while adjudicating a writ petition filed by Mantava and Sanganna, the mother and brother, respectively, of the late Veeresh Mantappa Lolasar, who was employed with the Kalyana Karnataka Road Transport Corporation (KKRTC), Ballari Division.

The court mandated that KKRTC evaluate Sanganna's (Petitioner No. 2) application for compassionate appointment and appoint him to an appropriate position commensurate with his qualifications within a twelve-week timeframe. Furthermore, the judgment empowered Mantava (Petitioner No. 1) to petition for the revocation of this appointment should Sanganna fail to fulfill his obligations toward her care, thereby safeguarding the interests of the dependent family member.

The petitioners contended that Veeresh had been married, but his wife, Sunanda, passed away on April 9, 2022, leaving no offspring. Subsequently, Veeresh assumed responsibility for supporting his mother and brother, who cohabited with him. They asserted that

Sanganna, continuing this caregiving role post-Veeresh's demise, was entitled to compassionate employment to alleviate the family's financial distress.

Opposing the petition, KKRTC invoked its internal policy, which limits compassionate appointments for married deceased employees exclusively to their surviving spouse or children. The corporation argued that extending such benefits to siblings would contravene these guidelines.

Justice Govindaraj, however, delved into the foundational principles of compassionate appointments, emphasizing their humanitarian intent: to mitigate the economic hardships inflicted upon the deceased employee's family and prevent undue financial strain. The bench observed that rigid adherence to policy without contextual consideration undermines this objective. Specifically, the court noted, "The fact remains that the spouse of the deceased employee had predeceased him on 9.4.2022, and they do not have any children who could seek a compassionate appointment. The mother and brother are living together, and after the death of the spouse, the deceased employee was taking care of both his mother and brother." Building on this, the court opined that Sanganna's explicit undertaking to support his mother justified a favorable review of his application. This reasoning underscores the judiciary's preference for a flexible, family-centric approach over mechanistic policy enforcement.

Consequently, the court set aside the impugned endorsement issued by KKRTC rejecting the application, allowing the petition in full.

This ruling not only addresses the immediate circumstances of the petitioners but also sets a precedent for interpreting compassionate appointment policies in cases involving non-traditional dependents. It highlights the evolving judicial perspective on familial dependencies, prioritizing substantive welfare over formal marital status. By incorporating safeguards like the mother's right to seek cancellation, the decision balances equity with accountability, ensuring that compassionate appointments serve their palliative purpose without exploitation.

This case exemplifies the Karnataka High Court's commitment to social justice in employment matters, particularly in public sector undertakings. It may influence future policies across similar corporations, encouraging amendments to accommodate diverse family structures in the wake of unforeseen personal losses. Legal scholars and practitioners are likely to reference this judgment in advocating for broader eligibility criteria under compassionate schemes, reinforcing that such appointments are not mere entitlements but tools for socioeconomic stability.

Read full guidelines:
https://www.livelaw.in/pdf_upload/kahc0104972720161-615405.pdf

CONVICTION UNDER SECTION 186 IPC DOES NOT REQUIRE THE USE OF VIOLENCE OR PHYSICAL FORCE

DEVENDRA KUMAR VERSUS THE STATE (NCT OF DELHI) & ANR.

The Supreme Court clarified that a conviction under Section 186 IPC does not require the use of violence or physical force. The Court held that obstruction of a public servant's lawful duty can also occur through threats, intimidation, or deliberate non-cooperation, so long as it makes the discharge of duty more difficult.

The bench comprising Justices JB Pardiwala and R Mahadevan heard the case where the Respondent No.2, a process server being an employee of the court, visited a Delhi police station to serve summons and warrants. He alleged that the Station House Officer (SHO), Devendra Kumar (Petitioner herein), not only refused to accept the documents properly but also verbally abused him, forced him to stand with his hands raised as punishment, and detained him for hours, preventing him from carrying out his official duties.

Aggrieved by the High Court's decision to upheld the registration of FIR against him pursuant to a complaint registered with the District Judge, the SHO moved to the Supreme Court. Refusing to interfere with the High Court's decision

The Supreme Court clarified that while Section 195 Cr.P.C. bars a magistrate from taking cognizance of offences under Sections 172–188 IPC unless the concerned public servant files a complaint, the bar also extends to other offences that are so closely connected with those provisions that they cannot be split up.

The bench comprising Justices J.B. Pardiwala and R. Mahadevan heard the case where a court process server alleged that he was mistreated at a Delhi police station while attempting to serve summons and warrants. He claimed that the Station House Officer (SHO), Devendra Kumar, abused him, forced him to stand with raised hands as punishment, and detained him for hours, preventing him from discharging his duty.

The process server reported the incident to the District Judge, who referred it to an Administrative Civil Judge. The Civil Judge then filed a written complaint under Section 195(1)(a) CrPC before the Chief Metropolitan Magistrate (CMM). Instead of taking cognizance directly, the CMM directed the police to register an FIR under Section 156(3) CrPC for offences under Sections 186 (obstructing a public servant from fulfilling his legal duties) and 341 (wrongful restraint) IPC.

Pursuant to the dismissal of his plea against FIR registration before the Sessions Court and High Court, the Petitioner-SHO moved to the Supreme Court. Criticizing the CMM's direction for FIR registration under Section 156(3) CrPC when he could have directly taken a cognizance of the offence under Section 195, the judgment authored by Justice Pardiwal,a although refused to quash the FIR, left it open for the Petitioner to raise the bar of Section 195 before the trial court at the appropriate stage.

The Court also explained that where an offence under Section 186 IPC is closely linked with another offence (such as wrongful restraint under Section 341 IPC), the offences cannot be “split up” to bypass the bar under Section 195. Only when the other offence is truly distinct and unconnected can it be separately prosecuted

In this regard, the Court laid down the following principles to be followed while dealing with a category of offences that fall within the protective sphere of Section 195 CrPC.

(i) Section 195(1)(a)(i) of the Cr.P.C. bars the court from taking cognizance of any offence punishable under Sections 172 to 188 respectively of the I.P.C., unless there is a written complaint by the public servant concerned or his administrative superior, for voluntarily obstructing the public servant from discharge of his public functions. Without a complaint from the said persons, the court would lack competence to take cognizance in certain types of offences enumerated therein.

(ii) If in truth and substance, an offence falls in the category of Section 195(1)(a)(i), it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accused for the other distinct offences disclosed in the same set of facts. However, it also cannot be laid down as a straitjacket formula that the Court, under all circumstances, cannot undertake the exercise of splitting up. It would depend upon the facts of each case, the nature of allegations and the materials on record.

(iii) Severance of distinct offences is not permissible when it would effectively circumvent the protection afforded by Section 195(1)(a)(i) of the Cr.P.C., which requires a complaint by a public servant for certain offences against public justice. This means that if the core of the offence falls under the purview of Section 195(1)(a)(i), it cannot be prosecuted by simply filing a general complaint for a different, but related, offence. The focus should be on whether the facts, in substance, constitute an offence requiring a public servant's complaint.

(iv) In the aforesaid context, the courts must apply twin tests. First, the courts must ascertain having regard to the nature of the allegations made in the complaint/FIR and other materials on record whether the other distinct offences not covered by Section 195(1)(a)(i) have been invoked only with a view to evade the mandatory bar of Section 195 of the I.P.C. and secondly, whether the facts primarily and essentially disclose an offence for which a complaint of the court or a public servant is required.

(v) Where an accused is alleged to have committed some offences which are separate and distinct from those contained in Section 195, Section 195 will affect only the offences mentioned therein. However, the courts should ascertain whether such offences form an integral part and are so intrinsically connected so as to amount to offences committed as a part of the same transaction, in which case the other offences also would fall within the ambit of Section 195 of the Cr.P.C. This would all depend on the facts of each case.

(vi) Sections 195(1)(b)(i)(ii) & (iii) and 340 of the Cr.P.C. respectively do not control or circumscribe the power of the police to investigate, under the Criminal Procedure Code. Once investigation is completed then the embargo in Section 195 would come into play and the Court would not be competent to take cognizance. However, that Court could then file a complaint for the offence on the basis of the FIR and the material collected during investigation, provided the procedure laid down in Section 340 of the Cr.P.C. is followed.

Read full guidelines:
https://www.livelaw.in/top-stories/pragya-thakur-malegaon-blast-acquittal-reasons-299672

THE REAL INTENTION OF THE ACCUSED AND WHETHER HE INTENDED BY HIS ACTION TO AT LEAST POSSIBLY DRIVE THE VICTIM TO SUICIDE, IS THE SURE TEST

ABHINAV MOHAN DELKAR VERSUS THE STATE OF MAHARASHTRA & ORS.

The Supreme Court upheld the Bombay High Court's decision to quash the abetment to suicide case against the Dadra & Nagar Haveli Administrator and other officials over the suicide by MP Mohanbhai Delkar, observing that harassment, without a direct and proximate link to the suicide, is insufficient to sustain charges under Section 306 IPC.

The bench comprising Chief Justice of India BR Gavai and Justice K Vinod Chandran relied on the cases of Madan Mohan Singh v. State of Gujarat (2010) and Amalendu Pal v. State of West Bengal (2010), to reiterate that mere harassment, unaccompanied by proximate instigation, is insufficient to constitute abetment. Further, the judgment authored by Justice Chandran referenced another recent case of Prakash and Ors. v. State of Maharashtra and Anr. (2024), where it was observed that the accused must be actively involved in the act of abetment leaving no other option for the deceased but to commit suicide.

Relying on the precedents, the Court observed:

“The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case.

The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.”, the court said.

The Court noted that the incident mentioned in the deceased's suicide note where he was allegedly not invited or allowed to speak at the Liberation Day function of Dadra and Nagar Haveli on 02.08.2020 had occurred two months prior to his death, and

therefore could not be treated as a proximate cause or an incident that drove him to commit suicide

“We are of the opinion that the Division Bench of the High Court had rightly quashed the proceedings, finding the charge of abetment to commit suicide to be absent. Much emphasis was laid on the charge of extortion, which has been first stated in the suicide note and not disclosed in any of the complaints earlier made to the Hon'ble Speaker or the Committee of Privileges.”, the court held. Accordingly, the appeal was dismissed.

'HOW CAN YOU CHARGE CUSTOMERS ABOVE MRP? WHY IS EXTRA AMOUNT NOT PART OF SERVICE CHARGE?' DELHI HIGH COURT ASKS RESTAURANT BODY

NATIONAL RESTAURANT ASSOCIATION V. UNION OF INDIA & ANR

The Delhi High Court on Friday questioned the National Restaurant Association of India (NRAI) as to how the hotels and restaurants can charge customers for a food item over and above the MRP, and why the extra amount does not form part of the service charge- which is charged as a separate category.

The query came from a division bench comprising Chief Justice DK Upadhyaya and Justice Tushar Rao Gedela which was hearing the appeal filed by NRAI and Federation of Hotels and Restaurant Associations of India (FHRAI) against a single judge ruling which held that service charge and tips are voluntary payments by consumers and cannot be made compulsory or mandatory on food bills by restaurants or hotels.

Senior Advocate Sandeep Sethi representing NRAI submitted that the Central Consumer Protection Authority's (CCPA) is not a price control authority and that service charge is levied for the services being rendered by a restaurant to its customers. On Court's query as to under which law the restaurants can levy service charge on

customers, Sethi responded that it is a matter of contract between the consumer and the restaurant.

The judge questioned Sethi as to how the restaurant can charge a customer for ambience separately and not include the amount in service charge only.

The matter will now be heard on September 22. The Court said that it will decide the matter finally and will not go on interim relief. In March, the single judge rejected the pleas filed by the restaurant bodies challenging CCPA guidelines of 2022 prohibiting hotels and restaurants from levying service charges “automatically or by default” on food bills.

Upholding the guidelines, the single judge had dismissed the writ petitions with Rs. 1 lakh each to be deposited with CCPA for utilization for consumer welfare. The single judge had clarified that mandatory collection of service charge on food bills is contrary to law and if consumers wish to pay any voluntary tip, the same is not barred. The amount however, ought not to be added by default in the bill/invoice and should be left to the customer's discretion, it added.

The single judge had asked the CCPA to consider permitting change in the nomenclature for Service Charge which is nothing but a 'Tip or a gratuity or a voluntary contribution'. It said that terminology such as 'voluntary contribution', 'staff contribution', 'staff welfare fund' or similar terminology can be permitted.

INCOME TAX | INTEREST ON FIXED DEPOSITS, TDS REFUND LINKED TO BUSINESS QUALIFIES FOR S. 80IA DEDUCTION: BOMBAY HIGH COURT

GATEWAY TERMINALS INDIA PVT. LTD. V. DEPUTY COMMISSIONER OF INCOME-TAX, RAIGAD

The Bombay High Court held that interest on fixed deposits, TDS refund linked to business qualifies for deduction under Section 80IA of the Income Tax Act. Section 80IA of the Income Tax Act, 1961 provides tax incentives for businesses operating in certain sectors such as infrastructure, power, and telecommunications.

Justices B.P. Colabawalla and Firdosh P. Pooniwalla stated that the placement of fixed deposits was imperative for the purpose of carrying on the eligible business of the assessee. The placement of fixed deposits is not for parking surplus funds which are lying idle. This is also demonstrated by the fact that the assessee had used these fixed deposits for purchasing cranes for the eligible business. There is a direct nexus between the fixed deposits and the eligible business of the assessee.

In this case, the assessee/Appellant was engaged in its only business of operating and maintaining a container terminal at Jawaharlal Nehru Port Trust (JNPT), which was eligible for deduction under the provisions of Section 80IA of the IT Act. During the previous year, interest income arose out of the said eligible business of the assessee. It is the case of the assessee that interest was earned out of

money accrued from the eligible business of the assessee and the same was also utilized for the purpose of its eligible business.

Aggrieved by the CIT Order, the assessee filed an appeal before the ITAT which was rejected. The revenue submitted that the assessee is free to deploy its funds in any manner it decides, but the same is immaterial for the purpose of deduction under Section 80IA. The profit so deployed may generate further profit, i.e., the fruits of profit. However, the entire profit made by the assessee in a year is not allowed for deduction but only that part of the profit which is generated in the process of creation of eligible infrastructure assets is deductible.

The bench opined that the assessee is entitled to the deduction [under Section 80IA of the Act] on the interest earned from fixed deposits which were placed by the assessee for planning of replacement of equipments as per the provisions of the said License Agreement and due to the tariff dispute.

Further, the bench stated that the TDS refund received by the assessee is an integral part connected with the receipt of business income by the assessee and the same cannot be separated from the business of the assessee. In these circumstances, the assessee is entitled to deduction under Section 80IA of IT Act, on the interest received by it on TDS refunded to it.

The bench directed the revenue to grant deduction under Section 80IA of the I.T. Act to the assessee on business income in the nature of interest from fixed deposits with the bank and on interest on TDS refund. In view of the above, the bench allowed the appeal and set

aside the impugned order.

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