

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 240 of 2023

Petitioner :- Smt. Pooja Pandey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Udai Bhan Singh,Avanish Pratap Singh,Maha Prasad,Rajesh Kumar Dubey,Rajjan Verma

Counsel for Respondent :- G.A.,Rajiv Dwivedi

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Maha Prasad, learned counsel for the petitioner, Sri Rajiv Dwivedi, learned counsel for the respondent no.4 and Sri Vivek Mishra, learned A.G.A. for the State.

2. This habeas corpus petition has been filed through Arjun @ Harishchandra s/o Ram Sharan Verma, for the petitioner Pooja Pandey.

3. As per the submissions of the petitioner, Pooja Pandey, is legally wedded wife of Arjun @ Harishchandra and she has been illegally detained by her father-respondent no.4. They got married on 09.05.2022 at Kamta Nath shrine, Chitrakoot.

4. From the submissions of the learned A.G.A. and respondent, it is revealed that the respondent no.4 lodged an F.I.R. Crime No. 164 of 2022 on 03.05.2022. Admittedly after investigation, the petitioner who was named accused in the F.I.R., has been charge sheeted for the offences under sections 363, 366, 354 I.P.C. and section 7/8 of Prevention of Children from Sexual Offences Act, 2012. P.S.- Kotwali Karwi, District- Chitrakoot. During course of investigation, the victim gave statement under section 161 Cr.P.C. and said that on the date of the occurrence, she was merely 14 years 6 months and that she was enticed away by the accused Arjun @ Harishchandra and was molested by him. Similar statement was given by her in her statement under section 164 Cr.P.C. She was put to medical examination and her age was found about 17 years.

5. From the papers, it is quite evident that the petitioner is a charge sheeted accused and that the victim gave statement against him. It is nowhere found that victim got married to the petitioner and that such a marriage was performed as per Hindu rituals. Therefore, he cannot be treated as her husband.

6. I am of the view that custody of a minor girl with her father cannot be treated as illegal from any angle. Hence, no action is required in this habeas corpus petition.

7. The petition is, therefore **dismissed**.

Order Date :- 13.10.2023

Sumit Kumar