

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 744 of 2023

Petitioner :- Smt. Prachi Garg (Corpus) And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Akhilesh Srivastava, Saksham Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Copy of Instructions given by learned A.G.A. are taken on record.
2. Heard Sri Akhilesh Srivastava, learned counsel for the petitioners and Sri L. D. Rajbhar, learned A.G.A. for the State and perused the record.
3. This habeas corpus writ petition has been filed with the prayer that respondents no.4 and 5 may be directed to produce the corpus Smt. Prachi Garg and further directed to release her from their illegal custody.
4. Submissions of the petitioners are that the corpus Smt. Prachi Garg and petitioner no.2 got married to each other on 08.12.2019. Respondents no.4 and 5, who happen to be parents of his wife, were against this marriage. Because of some misunderstanding the Respondents no.4 and 5 took away his wife and since then she is in illegal detention. Her husband is not being even permitted to meet her. He further submitted that she filed a false F.I.R. under pressure of her parents.
5. It is submitted on behalf of the State that corpus Smt. Prachi Garg herself lodged an F.I.R. naming her husband and one more in case crime no.565 of 2022, under Sections 498-A, 323, 504 and 506 I.P.C. and 3/4 D.P.Act on 26.07.2022 and the matter is still at the stage of investigation. It is further pointed out that petitioner no.2 filed criminal misc. writ petition no.3155 of 2023 before this Court with the prayer to quash the aforesaid F.I.R.. This Court had ordered for initiation of mediation between two sides. It is admitted on behalf of the petitioner that mediation has failed. However, aforesaid writ is still pending and no final order has been passed.
6. I went through the statement given by witnesses especially the statement given by the first informant under Section 161 Cr.P.C. in which she has imputed a number of allegations against her husband. In the facts and circumstances of the case, the matter does not appear to be one of illegal detention. I do not find any good ground to proceed in the matter.
7. The habeas corpus writ petition is hereby **dismissed**.

Order Date :- 17.10.2023

Asha