

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 847 of 2023

Petitioner :- Smt. Doli And Another

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

Counsel for Petitioner :- Rajesh Kumar, Manoj Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Manoj Kumar Srivastava, learned counsel for the petitioners and Sri L. D. Rajbhar, learned A.G.A. for the State and perused the record.

2. This habeas corpus writ petition has been filed with a prayer that Smt. Doli, who is major aged about 24 years and who has been illegally detained by respondent no.4, her father may be directed to be set at liberty.

3. It is submitted on behalf of the petitioners that petitioner no.2 and corpus (petitioner no.1) have got married on 13.06.2023 and that his wife informed him in telephonic conversation that a false statement has been elicited from her by the police under pressure of her family members and respondent no.4 (her father).

4. Learned A.G.A. disputes the submissions of the petitioner bringing into the notice of this Court the fact that respondent no.4 lodged an F.I.R., case crime no.300 of 2023, under Sections 366 and 506 I.P.C., P.S. Bewar, District Mainpuri with the allegations that Akhlesh (petitioner no.2 herein) has enticed away his daughter. Matter was investigated upon and the statements of the victim have been recorded under Sections 161 and 164 Cr.P.C. She supported the prosecution case and gave statement against her so called husband.

5. I perused the statement under Sections 161 Cr.P.C. and 164 Cr.P.C.

6. The law requires that the Magistrate shall before the statement under Section 164 Cr.P.C. is recorded that the same is being given voluntarily. No presumption can be drawn that it was elicited under duress or pressure from outside. She has imputed allegations against petitioner no.2. Moreover, it is revealed from the case diary (which is produced before me by learned A.G.A.) that finding the victim as major, she was allowed to take independent decision as regard her movements and place of stay/residence.

7. In view of the above, I do not find any good ground to interfere in the matters by means of this habeas corpus petition.

7. The habeas corpus writ petition is **dismissed**.

Order Date :- 16.10.2023

Asha