

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 921 of 2023

Petitioner :- Komal Saini (Corpus) And Another

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

Counsel for Petitioner :- Akhilesh Kumar

Counsel for Respondent :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard Shri Akhilesh Kumar, learned counsel for the petitioners and learned A.G.A. for the State-respondents.
2. It is urged by petitioner No. 2 that he has solemnized marriage with petitioner No. 1, Komal Saini and respondents No. 4 & 5 have forcefully and illegally detained his wife Komal Saini, petitioner No. 1.
3. Both the petitioners, namely, Smt. Komal Saini (corpus) and Ankush Kumar, identified by their learned counsels, are present in person before the Court. Their statements have been recorded in open Court.
4. Petitioner no. 1, Komal Saini in her statement has refused to identify petitioner No. 2. She also categorically denied solemnization of any kind of marriage with petitioner No. 2. She categorically stated that she does not know petitioner No. 2, Ankush Kumar and she has never married with him.
5. On being questioning, petitioner No. 2 Ankush Kumar has been silent as to when he solemnized the marriage with Komal Saini (corpus). He could not give satisfactory answers to the queries made. It may be added that as per order dated 02.11.2023, Ankush Kumar petitioner No. 2 was directed to deposit within two weeks, Rs.20,000/- out of which Rs.15,000/- was to be deposited in the name of petitioner No. 1, Smt. Komal Saini (corpus) by preparing a bank draft in her name while rest of the amount at Rs.5000/- was to be deposited in favour of the State. Petitioner No. 2 has admitted that he has not complied with these directions, so far.
6. It is stated on behalf of the State that petitioner No. 1, Komal Saini (corpus) is residing with her parents as per her own free will and consent. It is further stated that no marriage of petitioner No. 1 has taken place with petitioner No. 2. Statement of petitioner No. 2 is forged and false. Petitioner No. 1, Komal Saini, is living with her parents and wants to live with them. It has also been stated that there is no compliance of the order dated 02.11.2023 by petitioner No. 2 and he

could not produce any satisfactory proof of marriage which is said to be solemnized on 10.03.2023 as per Arya Samaj.

7. In these circumstances, it is clear that petitioner No. 1 does not appear to be legally wedded wife of petitioner No. 2. Since petitioner No. 1 is major as per her Highschool Marksheet available on record, therefore, she may go and live at any place of her own choice. The Police Officials who brought petitioner No. 1, Komal Saini, are directed to take her in adequate security and drop her to the place of her choice. Petitioner No. 2 is at liberty to avail civil remedy under some relevant law, if so advised.

8. With these directions, writ petition is finally disposed of.

Order Date :- 5.12.2023
Mukesh Kr.