

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 956 of 2023

Petitioner :- Smt.Smriti Gupta

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Pravin Kumar

Counsel for Respondent :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard learned counsel for the petitioner and the learned A.G.A. for the State. Perused the record.

2. On 16.11.2023 the following order was passed:

"Learned counsel for the petitioners as well as learned AGA for the State is present.

Instant habeas corpus petition has been filed on behalf of the corpus by her husband Umesh Kumar, the deponent with allegation that the corpus is legally wedded wife of the deponent. Their marriage was solemnized on 30.9.2023 at Arya Samaj, George Town, Prayagraj, a copy of marriage certificate issued by said institution is annexed as Annexure No.2 to the petition. The corpus was living with the deponent as his wife at the native place of deponent in Dhoomanganj, District Prayagraj. However, Respondent No.4 to 6 who are parents and family of the corpus have forcefully took her away from the place of deponent and detained her since then against her will. She seeks to joint company of her husband.

Learned counsel for the petitioner submitted that the private respondents may be directed to produce the corpus before the Court to elicit her will with regard to her living with the deponent, who is her husband. He undertakes that in case the corpus refuses to live with the deponent before the Court, the deponent is ready to bear any cost imposed by this Court in final order.

Issue notice to respondent Nos.4 to 6 to produce the corpus before this Court on 5.12.2023.

S.H.O., Dhoomanganj, Prayagraj, is directed to ensure compliance of this Court.

List this case as fresh on 5th December, 2023."

3. Pursuant to the aforesaid order dated 16.11.2023, Smt.Smriti Gupta (corpus) is present in Court today, who has been identified by her counsel. However, respondent no. 4 is not present.

4. The corpus namely Smt.Smriti Gupta on being asked informed that she is major aged about 21 years and she performed her

marriage with her friend Umesh Kumar on 30.9.2023 according to Hindu Rites and Customs at Arya Samaj George Town, Prayagraj (Allahabad). They got their marriage registered as per provisions and rules in this regard.

5. It is submitted by the learned counsel for the petitioner that Smt. Smriti Gupta (corpus) and her friend had applied for registration of their marriage on line, which was successful on 27.10.2023, a copy of which has been annexed as Annexure-No. 2 to this writ petition. It is further submitted that as Smt. Smriti Gupta (corpus) is legally wedded wife of Umesh Kumar, she has every right to reside with whom she has stated to have married. Therefore, it is prayed that the corpus may be set at liberty and she may be permitted to associate with her husband. This fact has not been denied by the Smt. Smriti Gupta (corpus).

6. Learned AGA submitted that as there is no dispute regarding the age of the corpus and she has attained age of majority as per Central Board of Secondary Education Marks Statement-Cum-Certificate of Senior School Certificate Examination, 2021, then she may be set at liberty to go at the place of her choice.

7. Considering rival submissions of learned counsel for the parties and material placed on record as well as the statement of the corpus recorded before the Court, it appears that Smt. Smriti Gupta (corpus) is major and has married with her friend Umesh Kumar. She intends to reside with him and has also shown her disinclination to live with her parents (respondent no. 4) at her parental place. Therefore, the corpus is set at liberty and permitted to go alongwith her husband Umesh Kumar as per her wishes and as stated by her before the Court. She will be escorted by the police to leave her at safe place of her choice, where she intends to reside.

8. In view of above observation, the habeas corpus petition is finally **disposed of**.

Order Date :- 5.12.2023

M. Tarik