

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 100 of 2023

Petitioner :- Priya Singh Yadav, Thru. Her Husband Rahul Rawat

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Lko. And Others

Counsel for Petitioner :- Rajesh Vishwakarma, Vivek Kumar Verma

Counsel for Respondent :- G.A., Deepak Kumar

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State-respondent as well as learned counsel appearing on behalf of private respondent Nos.4 and 5.
2. The detainee, Priya Singh Yadav, is present before this Court along with respondent Nos.4 and 5.
3. Upon a query being put to the detainee she has submitted that due to the physical and mental cruelty committed by her husband Rahul Rawat she is presently residing with her parents and she does not wish to go back to her husband Rahul Rawat. She has further stated that on 31.08.2023, she has given birth to a child but neither her husband Rahul Rawat nor any other family member of her husband has bothered to see her. No expenses incurred by her have been given by Rahul Rawat while she was in the hospital. No amount for her maintenance has been given by the husband Rahul Rawat till date.
4. Learned A.G.A. submits that petitioner by suppressing material facts has unnecessarily harassed the detainee. In view of the above statement of the detainee, it is clear that it is not a case of illegal detention hence writ of habeas corpus fails.
5. Learned counsel for the petitioner submits that he may be provided the visiting rights and he is ready and willing to pay cost of Rs.50,000/- to the detainee. He further submits that he has already paid Rs.5,000/- to the detainee.
6. In view of the undertaking given on behalf of the petitioner, a cost of Rs.50,000/- shall be paid by the deponent Rahul Rawat to the detainee Priya Singh Yadav within 15 days from today.
7. After payment of the cost, the deponent Rahul Rawat shall be

entitled for visiting the newly born child of the deponent on every second and fourth Sunday of the month between 10:00 am to 12:00 pm in the morning subject to convenience of the child at the place where the detenue is residing.

8. In case, the cost is not paid as stated above, the District Magistrate, Lucknow shall recover it as an arrears of land revenue from the deponent Rahul Rawat.

9. Petition is disposed off accordingly.

Order Date :- 6.11.2023

Saurabh Yadav/-