

**Court No. - 13**

**Case :-** HABEAS CORPUS WRIT PETITION No. - 282 of 2023

**Petitioner :-** Smt. Divyanshi Jaiswal Thru. Her Husband Deva Yagya Saini

**Respondent :-** State Of U.P. Thru. Prin. Secy. Home, Civil Sectt. U.P. Lko. And 3 Others

**Counsel for Petitioner :-** Akhilesha Nand Pandey,Alok Pandey,Gyanendra Pathak

**Counsel for Respondent :-** G.A.

**Hon'ble Karunesh Singh Pawar,J.**

Vakalatnama filed by Shri Nripendra Mishra, Advocate on behalf of respondent no.4 is taken on record.

Present petition has been filed for issuing a writ in the nature of Habeas Corpus directing respondents 1 to 3 to release the detenue/petitioner forthwith, who is detained under the illegal custody of respondent no.4.

On 16.10.2023 this Court has passed the following order:-

*"Heard learned counsel for the petitioner and learned A.G.A. for the State respondent nos.1 to 3.*

*Issue notice to respondent no.4 returnable at an early date.*

*Learned counsel for the petitioner submits that the detenue is major and aged about 20 years. The petitioners have married on their own free will and accord still an F.I.R. was lodged by her family members and due to that local police authorities are harassing them. In her statement under Section 161 Cr.P.C. she has not supported the prosecution case.*

*Also while giving statement under Section 164 Cr.P.C. she has not made any allegation against the deponent. He submits that now the respondent no.4 is in the process of getting her forcibly married with some other person.*

*Learned A.G.A. has produced the written instructions, which has been perused by this Court.*

*On due consideration to the submissions advanced and perusal of the record, respondent no.4 is directed to produce the detenue before this Court on the next date of listing.*

*Respondent nos. 2 and 3 shall ensure compliance of this order.*

*List this case on 7.11.2023."*

In compliance of the order dated 16.10.2023, the detenue Divyanshi Jaiswal has been produced before this Court today along with officers Sub-Inspector Suresh Chandra Giri and Lady Constable Pratima Yadav.

Father of the detenue, respondent no.2 is also present before this Court.

Upon a query being made to the detenue, she has clearly stated that the deponent Deva Yagya Saini is her husband. She is presently residing with respondent no.4 against her wish. She wants to go with her husband Deva Yagya Saini, who is also present in court.

In view of the statement of the detenue, it is clear that it is a case of illegal detention, the detenue is major, the majority of the detenue is not disputed by any of

the parties. Both the detenue and her husband have been identified by their respective counsel.

Considering the above, the writ petition succeeds and is allowed. The detenue is at liberty to go with her husband forthwith.

**Order Date :- 7.11.2023**

Madhu