

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 326 of 2023

Petitioner :- Ratna Rawat Thru. Her Husband Nagendra Singh

Respondent :- State Of U.P Thru. Prin. Secy. Home Deptt. Civil Sectr. Lko. And 3 Others

Counsel for Petitioner :- Awadhesh Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioner and learned AGA for the State.

Notices to respondent no. 4 are dispensed with in view of the proposed order.

The petition has been filed with the following main prayer:-

"issue a writ order or direction in the nature of Habeas Corpus commanding and directing the opposite parties to produce the detenue-petitioner before this Hon'ble court for recording her statement and the detenue/ petitioner may be set free at her liberty."

Learned counsel for the petitioner submits that the detenue and the deponent both are major and both married in temple on 14.02.2021 and since then, they were enjoying their matrimonial life as husband and wife. However, in the second week of July, 2023, opposite party no. 4 on some pretext took the detenue and now he is not permitting her to go back to the petitioner and has forcibly detained her against her wish.

Learned AGA has provided the written instructions received by him from the concerned police station along with the written statement given by the detenue dated 12.10.2023 and signed by the detenue and the signatures of the detenue have also duly attested. In the said application/statement, she has though admitted that she was having relationship with the deponent earlier, however, she has outrightly denied the fact that she has married to the deponent. She has stated that she is unmarried and happily living with her parents.

Learned counsel for the petitioner could not show any document except some photographs that the detenue is legally wedded wife of the petitioner.

These are disputed questions of facts which may not be adjudicated in writ jurisdiction. Prima facie I am of the view

that it is not a case of illegal detention.

Writ of habeas corpus fails and is accordingly dismissed.

Instructions provided by the learned AGA are taken on record.

Order Date :- 30.10.2023

R.C.