

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 341 of 2023

Petitioner :- Naincy Kashyap (Detenue) Thru. Her Sri Ravi Shankar (Husband)

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

Counsel for Petitioner :- Anil Kumar Sharma, Sateesh Maurya

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

This petition has been filed by the detenue through her next friend/husband praying for the following reliefs:-

"I- Issue a writ order or direction in the nature of Habeas Corpus and direct the opposite parties to produce the Naincy Kashyap (detenu) before this Hon'ble Court.

II- Any other order or direction which this Hon'ble Court may deemed fit and proper in the circumstances of the case may also be passed in favour of the petitioner.

III- Allow the writ petition with cost."

Learned A.G.A. on the basis of written instructions has submitted that detenue was married with the deponent of this petition in Arya Samaj Mandir, Aliganj and after the marriage there was some dispute between both of them and therefore, detenue went to live with her father and since then out of her own will is living with her father. During this period she also gave birth to a dead child. Detenue has also given affidavit to the police to the effect that she was subjected to cruelty by the deponent of this petition and therefore, she is living with her parent and she does not want to go with her husband. The written instructions provided by the learned A.G.A. as well as the affidavit given by the detenue to the police is kept on record.

It is clear from perusal of the instructions as well as the affidavit of the detenue that it is not a case of illegal detention. Habeas corpus petition fails and is accordingly dismissed.

Order Date :- 2.11.2023

Saurabh Yadav/-