

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 358 of 2023

Petitioner :- Divyanshi Thru. Her Husband Sukhdev

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

Counsel for Petitioner :- Sachin Tiwari, Subodh Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

1. On 09.11.2023 this Court has passed the following order:-

"Heard learned counsel for the petitioner and learned AGA for respondent no. 1 to 3.

Issue notice to respondent no. 4.

Learned counsel for the petitioner submits that the detenue is legally wedded wife of her next friend i.e. the deponent in this petition. An FIR under Section 363/366 IPC was lodged by respondent no. 4 and the statement of the detenue was recorded under Section 164 Cr.P.C. wherein she has categorically stated that she on her own accord and free will went away with the deponent and want to live with him.

It has been further submitted that the Child Welfare Committee has found that the detenue is more than 18 years.

In view of the above, respondent no. 4 is directed to produce the detenue on the next date before this Court.

List on 11.12.2023.

Respondent no. 2 and respondent no. 3 shall ensure compliance of this order."

2. In compliance of the aforesaid order passed by this Court, the detenue-Divyanshi is present before this Court who has been identified by Sri Veer Pratap Singh, Sub-Inspector and lady Constable Arti.

3. Upon a query being put to the detenue, she has stated that she wants to reside with her father-respondent No.4. The father of the detenue is also present before this Court. She has further stated that she was not illegally detained but presently she wants to live with her father. It is not in dispute that the detenue is major.

4. Accordingly, the writ of habeas corpus ***disposed of***. The detnue being major is free to live as per her choice.

Order Date :- 11.12.2023

Saurabh Yadav/-