

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 361 of 2023

Petitioner :- Madhu Tiwari Thru. Her Husband Sanjay Tiwari

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

Counsel for Petitioner :- Dinesh Kumar, Anand Kumar

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner as well as learned AGA for the State.

Learned counsel for the petitioner submits that the detenue has been confined by respondent no. 4 against her free will; the detenue is the legally wedded wife of the deponent and therefore, he prays that the detenue may be summoned and set free to go with the deponent who is her husband.

Learned AGA has opposed the petition. On the basis of the written instructions, he has submitted that the detenue on her own accord and free will is residing with respondent no. 4 who is her relative. The detenue is not having good relations with her husband for the last 18 years. She and her daughter both are living happily with respondent no. 4 and they do not wish to go with the deponent.

Along with the instructions, the letter written by the detenue Madhu Tiwari as well as GD details have also been produced by the learned AGA.

There is no reason for this Court to disbelieve such instruction and perusal of this instruction makes it clear that it is not a case of illegal detention.

Writ petition of habeas corpus fails and is accordingly ***dismissed.***

Order Date :- 5.12.2023

R.C.