

Court No. - 15

Case :- HABEAS CORPUS WRIT PETITION No. - 381 of 2023

Petitioner :- Laxmi Soni Thru. Her Father Sri Keshav

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And 5 Others

Counsel for Petitioner :- Chandra Shekhar Nishad, Narendra Kumar Kashyap

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State as well as perused the record.

The instant writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Habeas Corpus commanding and directing the opposite parties to ensure personal liberty of the petitioner/detenué who has been illegally detained by the opposite party No.6 against her will. It has been further prayed to produce the corpus of detenué before this Hon'ble Court, so that, she may be freed from illegal detention after recording her statement.

Learned counsel for the petitioner submits the petitioner is a teacher in Chandra Shekhar Convent School, Masauli, Barabanki and on 20.10.2023 she went to school but never returned home, the father of the petitioner tried his best to find his daughter but his all efforts went into vain and after inquiring to his relatives, when he did not get any information about his daughter, he lodged a missing person report in the concerned police station. Thereafter, the father of the petitioner came to know that the Manager/Principal of the same school in which his daughter was employed as a teacher has illegally detained his daughter in his house. He further submits that the detenué has been illegally detained by opposite party No.6, and the opposite party No.6 illegally abducted her and has kept her under an illegal detention. He further submits that the petitioner has approached police authorities but no attention has been paid till date.

In reply to the aforesaid, learned A.G.A. for the State submits that the instant petition is totally frivolous as the same is filed only with intention that in this petition notice may be issued only for the purpose of harassment, therefore no interference of

this Hon'ble Court is required in this matter.

Learned A.G.A., on behalf of State-opposite party has relied upon the law laid down in paragraph 17 of **Lata Singh Vs. State of U.P. and another, 2006 (5) SCC 475** which reads as under:-

"17..... We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a women or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

After hearing learned counsel for both the parties and after perusal of record, it appears from the above factual matrix, that detention of petitioner with the opposite party No.6 cannot be ascertained at this state and there is nothing on record to demonstrate that the custody of the corpus with opposite party No.6, is unlawful nor illegal, as the petitioner is a major girl aged about 24 years, further there is no relevant documents filed on behalf of the petitioner to justify this fact that the petitioner (detenue) is daughter of her next friend/father, through whom the present writ petition has been filed and further considering the law laid down by Hon'ble Apex Court in the case of **Lata Singh(Supra)**, I am not inclined to accept the contention raised on behalf of petitioner, therefore, keeping in view, the reasons given herein above, keeping in view all facts and circumstances of this case, this habeas corpus petition filed by the petitioner is misconceived and deserves to be dismissed.

With the aforesaid observation, no relief can be granted by this Court, as such, the instant Habeas Corpus Writ Petition being misconceived is hereby **dismissed**.

Order Date :- 2.12.2023

Piyush/-