

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 136 of 2024

Petitioner :- Pooja Kumari Thru. Her Husband Ramveer Verma

Respondent :- State Of U.P Thru. Prin. Secy. Home Deptt. Lko. 4 Others

Counsel for Petitioner :- Vineet Kumar Mishra

Counsel for Respondent :- G.A.,Brij Mohan Gupta,Harsh Mohan

Hon'ble Shamim Ahmed,J.

Sri Vineet Kumar Mishra, learned counsel for the petitioner as well as Sri Brij Mohan Gupta, learned counsel for the opp. party No. 5 and Sri Ashok Kumar Gupta, learned A.G.A.-I for the State/opp. party No. 1, 2, 3 and 4 are present.

On 13.06.2024, the following order was passed in this case:

"1. Shri Brij Mohan Gupta, learned Advocate has filed his 'Vakalatnama' on behalf of the respondent no.5, which is taken on record.

2. In deference to the order dated 06.06.2024, the alleged detainee namely Pooja Kumari has been produced before this Court by Sub Inspector Shri Shashi Kumar and Lady Constable Ms. Antma Singh. Father of the detainee is also present in the Court.

3. Ms. Pooja Kumari, alleged detainee admits that she is aged about 17 years. She also admits that she has married to Ramveer Verma, who has filed this petition and she wants to live with him. However, fairly submits that she is in high school and she will live with her father till attaining majority. She has also no grievance with her parents. She also admits that she had written to the petitioner for taking her, a copy of which has been placed on record as Annexure No.3.

4. Learned counsel for the petitioner submits that the father of petitioner may marry Ms. Pooja Kumari to somebody else. However, learned counsel for the respondent no.5 submits that since she is minor the question of her marriage does not arise.

5. As prayed by learned counsel for the petitioner, list this case on 24.07.2024, on which date the respondent no.5, who is present in the Court, undertakes to produce Ms. Pooja Kumari before this Court.

6. The name of Shri Brij Mohan Gupta, learned counsel shall be printed in the cause list as counsel for the respondent."

In compliance of the aforesaid order, the alleged detainee Pooja Kumari is present before the court alongwith her father Sri Shatrughan Gupta/opp. party No. 5. They have been identified by their Advocate Sri Brij Mohan Gupta.

The next friend Ramveer Verma is also present before this court in person. He has been identified by His Advocate Sri Vineet Kumar Mishra.

This court asked Pooja Kumari that in which class she is studying, she submitted that she has taken admission in Class X and as per her educational documents, her age is nearby 17 years.

In view of the above, the alleged detainee Pooja Kumari is minor and this court cannot give her custody to the alleged husband/next friend Ramveer Verma, as she is minor and the coordinate bench of this court vide order dated 13.06.2024 has given her custody to her father, therefore, this court also directs that till the alleged detainee Pooja Kumari attains the age of majority, she will live with her father Mr. Shatrughan Gupta, who is also directed to keep the daughter Pooja in good health, provide her food, clothe, shelter etc. and also give her love and affection.

Mr. Shatrughan Gupta submits that he lives alongwith his wife and son at Ludhiyana and Pooja Kumari was also living at Ludhiyana.

After attaining the age of majority, the alleged detainee Pooja Kumari, shall be at liberty to go wherever she wants.

With the above observations, this writ petition is **disposed of**.

(Shamim Ahmed, J.)

Order Date :- 24.7.2024
A.Nigam