

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 141 of 2024

Petitioner :- Lovely Shukla Thru. Her Father And Next Friend Umashankar Shukla

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

Counsel for Petitioner :- Abrar Ali

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Shri Abrar Ali, learned Counsel for the petitioner, learned Counsel for the respondent No.4 and Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1 to 3 and perused the material placed on record.

The present petition has been filed on behalf of the detainee, namely-Lovely Shukla through his father i.e. the petitioner, namely-Umashankar Shukla praying for following main relief:-

"i. issue a writ, order or direction in the nature of Habeas Corpus directing the opposite parties concerned to produce the detainee/petitioner before this Hon'ble Court after getting released her from the illegal detention of the opposite party No.4 and after recording the statement, she may be allowed to live with her father and his family members"

This Court vide order dated 18.07.2024 has passed the following order:-

"List has been revised and the case is being taken up in the revised call.

Heard Shri Abrar Ali, learned Counsel for the petitioner, Ms. Ankita Tripathi, learned A.G.A. for the State and perused the material placed on record.

The Coordinate Bench of this Court vide order dated 30.05.2024 passed the following order:-

"1. Heard learned counsel for the petitioner as well as learned A.G.A. for respondent nos. 1, 2 and 3 and perused the record.

2. Learned A.G.A. has presented before this Court a report submitted by the police station Kudwar, district Sultanpur, the same is taken on record. A perusal of this report would reveal that the alleged detainee is stated not to be in illegal custody of respondent no. 4 as she has stated to have solemnized marriage and is aged about 28 years.

3. Learned counsel for the petitioner is, however,

doubting the report so submitted by the concerned police station on the ground that this report has been sent in connivance with the respondent no. 4 who has enticed away the daughter of the petitioner and is not allowing him to meet her. It is further submitted that to show his bonafide the petitioner is ready to give Rs.15,000/- (Rupees Fifteen Thousand) to the alleged detainee on her first appearance before this Court.

4. Keeping in view the submission advanced by the learned counsel for the petitioner and the report submitted by the concerned police station, the petitioner is directed to get a demand draft of Rs.15,000/- (Rupees Fifteen Thousand) prepared in the name of alleged detainee, namely, Ms Lovely Shukla, which shall be given to her on her first appearance before this Court on the next date of listing.

5. Issue notice to respondent no. 4- Shri Pradeep Kumar Maurya, returnable till 14th June, 2024.

6. Respondent no. 4 is directed to produce the alleged detainee - Ms. Lovely Shukla before this Court on 14th June, 2024.

7. Let the matter be, accordingly, listed on 14th June, 2024."

As per the office report dated 16.07.2024, notice upon respondent No.4 has been served through Chief Judicial Magistrate, Sultanpur but today neither any counsel for the respondent No.4 nor the respondent No.4 himself is present before this Court, which amounts to contempt of courts' order dated 30.05.2024.

Accordingly, let a fresh notice be issued to the respondent No.4 by electronic means of communication forthwith through the learned Chief Judicial Magistrate, Sultanpur.

The Superintendent of Police, Sultanpur is also directed to cause detainee to be produced before this Court on 02.08.2024 alongwith the respondent No.4, without any fail.

The petitioner, Umashankar Shukla shall also remain present before this Court on 02.08.2024.

List this case on 02.08.2024 before this Court, for further orders.

Let this order be communicated to the learned Chief Judicial Magistrate, Sultanpur and the Superintendent of Police, Sultanpur for compliance by the Joint Registrar (Compliance) through e-mail, fax and other urgent electronic means of communication forthwith.

Learned A.G.A-I, Shri Ashok Kumar Singh, is also directed to communicate this order to the Superintendent of Police, Sultanpur and the

Station House Officer, Kudewar to ensure the presence of respondent No.4 alongwith the detainee, namely-Lovely Shukla."

In compliance of the order dated 18.07.2024 (quoted above), the detainee, namely-Lovely Shukla has been produced before this Court in person by Sub Inspector, namely-Mukhtabauddin, P.No.892357291 and Constable, namely-Dipali Maury, P.No.212701450, Police Station-Kudewar, District-Sultanpur. The petitioner, namely-Umashankar Shukla is also present before this Court in person, who has been identified by his counsel.

On query made by this Court to the detainee, namely-Lovely Shukla regarding the illegal detention as claimed by the petitioner, who is the father of the detainee, the detainee stated before this Court that she is aged about 29 years and has solemnized marriage with the respondent No.4 i.e. Pradeep Kumar Maurya as per Hindu rites and customs and they are living happily as husband and wife. She also stated before this Court that she is five month pregnant lady and her husband is taking good care of her. She also stated before this Court that she does not want to go with her father and wants to live with her husband i.e. respondent No.4.

The detainee, namely-Lovely Shukla also stated before this Court that if her father wants her to visit her maternal home, then she is ready and will visit her maternal home on the festivals and social occasions.

The petitioner, namely-Umashankar Shukla also made an agreement with the statements given by the detainee and stated that he has no objection if the detainee wants to live with her husband and he also assured this Court that he will not create any hindrance in their matrimonial life. He further assured this Court that he will accept her daughter and son-in-law and will treat them as his family members and also requested this Court that this Court may direct the respondent No.4 to not to create any nuisance while her daughter is at visit at her maternal home.

Learned A.G.A-I for the State-respondent Nos.1 to 3 also made an agreement with statements made by the parties, who are present before this Court in person and submits that the detainee is major and has solemnized marriage with the respondent No.4 with her own sweet will and she is pregnant also, thus, no relief as sought by the petitioner can be granted by this Court. He further submits that as per the statements made by the petitioner even he is also ready to accept her daughter and son-in-law as his family members and will treat them affectionately from now on, thus, this petition may be disposed of.

After hearing learned Counsel for the parties and considering the statements made by the detainee and the petitioner, who are present before this Court in person, this Court is satisfied with the arguments advanced by learned A.G.A-I for the State-respondent Nos.1 to 3 and is of the opinion that if the petitioner, namely-Umashankar Shukla is ready to accept his daughter and son-in-law i.e. respondent No.4 as his family members and has assured this Court that he will not create any hindrance in the matrimonial life of his daughter and son-in-law

then no useful purpose will be served in keeping this matter pending or granting custody of the detenue to the petitioner. Further, the detenue, namely-Lovely Shukla also assured this Court that she will visit her maternal home on festivals and social gatherings and she also stated that she is happily living with her husband at her matrimonial home and her husband i.e. respondent No.4 is taking good care of her, so she does not want to go with the petitioner.

In view thereof, this Court has no option but to dispose of this petition as the relief sought by the petitioner cannot be granted by this Court as the petitioner and the detenue herself has arrived at an amicable settlement and the petitioner has no grievance left to be redressed by this Court. However, it is directed that the respondent No.4 will not create any nuisance whenever the detenue wants to visit her maternal home on the festivals and social gatherings as per her convenience and wishes.

With the above observations/directions, the present petition is hereby ***disposed of.***

Order Date :- 2.8.2024

Piyush/-