

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 149 of 2024

Petitioner :- Smt. Shraddha Shukla Thru. Her Husband Shivam Gautam

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

Counsel for Petitioner :- O.P. Tiwari

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Shri O.P. Tiwari, Advocate assisted by Shri Vivek Shukla, learned Counsel for the petitioner, Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondents No.1 to 4 and perused the material placed on record.

The present Habeas Corpus Writ Petition has been filed on behalf of Smt. Shraddha Shukla through her husband Shivam Gautam with the following main prayer:-

"(i) Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite party No.4 & 5 to produce the petitioner/detenu before this Hon'ble Court forthwith and release detenu/petitioner in favour of deponent."

On 09.07.2024, this Court has passed the following order:-

"In compliance of order dated 31.05.2024 Shraddha Shukla along with her father Sri Manoj Shukla is present before this Court and they have been brought by Sub-Inspector Sri Jag Mohan Yadav and lady constable Sadhna Pal of Police Station Ganga Ghat, District Unnao.

Shivam Gautam is also present before this Court in person along with his Advocate Sri O.P.Tiwari.

Sri O.P.Tiwari, learned counsel for the petitioner submits that in compliance of order dated 31.05.2024 Shivam Gautam has brought demand draft of Rs.15,000/-drawn in favour of Shraddha Shukla, bearing Draft No. 001709 dated 06.06.2024 (Axis Bank) regarding her expenses to come to the Court. The said Draft is being handed over to Shraddha Shukla before this Court. The receiving was given on the photo stat copy of the said Bank Draft. The copy of the Bank Draft and its receiving is taken on record.

When the court asked Shraddha Shukla,whether she knew Shivam Gautam, she submits that she is the resident of same mohalla in which Shivam Gautam lives. On being asked whether she has solemnized marriage with Shivam Gautam, she submits that she has not solemnized the marriage with Shivam Gautam and this habeas corpus writ petition has been filed only to defame her and her family members image in the society and the documents filed in this petition are forged and fabricated. She further prays that some

fine may also be imposed upon Shivam Gautam by this Court to defame her image and family members image in the society.

Sri O.P.Tiwari, learned counsel for the petitioner submits that Shraddha Shukla and Shivam Gautam were in friendship relationship and Shraddha Shukla is major.

After having learned counsel for the parties, Court does not satisfy with this argument of Sri O.P.Tiwari as Shraddha Shukla in the open Court has refused that she has solemnized marriage with Shivam Gautam. This habeas corpus petition appears to be totally misconceived and was filed only with the intention to defame the image of the corpus and her family members in the society, this Court cannot allow to defame the image of any lady by any persons, thus this Court impose cost of Rs. 50,000/- to be paid by Shivam Gautam in respect of defaming the image of Shraddha Shukla and her family members in the society, thus this Court directs Shivam Gautam to bring a draft of Rs. 50,000/- in the name of Shraddha Shukla on the next date fixed.

List this case on 11.07.2024 at 12.00 P.M. before this Court for further orders.

In case the said draft is not brought by Shivam Gautam on the next date fixed, Sub-Inspector Sri Jag Mohan Yadav of Police Station Ganga Ghat, District Unnao is directed to arrest Shivam Gautam immediately for defaming the image of Shraddha Shukla and her family members as the father of Shraddha Shukla has already filed a compliant before the police.

Appearance of Shraddha Shukla is exempted till further orders of this Court. The said draft will be collected by Sri Manoj Shukla father of Shraddha Shukla, which shall be brought by Shivam Gautam on the date fixed.

Sub-Inspector Sri Jag Mohan Yadav, who is present before this court today, is directed to produce Shivam Gautam before this Court on the next date fixed."

Today when the matter is taken up, the petitioner, namely-Shivam Gautam, the respondent No.5, namely-Manoj Kumar Shukla, father of the detainee are present before this Court in person.

In compliance of the order dated 09.07.2024 passed by this Court, the petitioner, namely-Shivam Gautam has brought a demand draft of Rs.50,000/- (Rupees Fifty Thousand Only) to be handed over to the father of the detainee for damaging the image of the detainee and her family members in the society. The said draft was shown to this Court and same was handed over to Shri Manoj Kumar Shukla, father of the detainee. The father of the detainee received the said draft and gave receiving on a photostat copy of the same, which was also counter signed by learned A.G.A-I for the State-respondent Nos.1 to 4. The

said receiving of the demand draft is taken on record.

The respondent No.5 stated that after the order dated 09.07.2024 passed by this Court, the petitioner, namely-Shivam Gautam tried to contact his daughter several times, therefore, he has sent his daughter to some other place. He further stated that his daughter will not contact the petitioner and will live her life separately and now no dispute remains to be adjudicated by this Court as the petitioner, namely-Shivam Gautam has already paid a demand draft of Rs.50,000/- (Rupees Fifty Thousand Only) for damaging the image of his family and his daughter in the society.

Learned Counsel for the petitioner, namely-Shivam Gautam submits that the petitioner will not contact the detinue in future and will live his life independently and will not establish any kind of relationship with the detinue.

The petitioner, namely-Shivam Gautam also assured this Court that he will not contact the detinue in future and will live his life independently.

Learned A.G.A-I for the State-respondent Nos.1 to 4 also made an agreement with the submissions advanced by both the parties and submits that if the parties have settled their dispute, then no useful purpose would be served in keeping this petition pending, thus, this Court may dispose of this petition.

After hearing learned Counsel for the parties and after perusal of record, this Court finds that the parties have settled their dispute before this Court and the detinue has also refused this fact that she has solemnized marriage with the petitioner. Further, the petitioner has also paid a demand draft of Rs.50,000/- (Rupees Fifty Thousand Only) to respondent No.5, who is the father of the detinue for damaging her image in the society and the parties have assured that they will not contact each other in future and will live their independent lives.

However, it is directed that both the parties shall keep their assurances given before this Court and shall strictly adhere to the statements made by them before this Court.

With the above observations/directions, the present Habeas Corpus Writ Petition is hereby **disposed of**.

Order Date :- 11.7.2024

Piyush/-