

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 159 of 2024

Petitioner :- Rubi Singh Thru. Husband Sri Vinay Chauhan And Another
Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And 3 Others

Counsel for Petitioner :- Arvind Kumar Kanaujea, Saksham Mishra

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

This writ petition has been filed with the following prayer:

"issue a writ, order or direction in the nature of Habeas Corpus commanding the opposite parties particularly, the opp. party No. 4, to produce the detenue Rubi Singh and Anvi before this court and set them at liberty."

Learned counsel for the petitioner submits that the Corpus No. 1 is the legally wedded wife of the petitioner and Corpus No. 2 is his daughter and both of them have been detained by father of the corpus No. 1/respondent No. 1, thus, he submits that custody of the corpus be given to given to the petitioner-next friend, who is the husband.

Sri Veer Bhan Singh, learned A.G.A.-I submits that the corpus No. 1 alongwith her minor daughter/Corpus No. 2, is living with her father/respondent No. 4, and there is no law in the land to establish that any married daughter living with her father or mother is in illegal detention. The petitioner-next friend has not been able to demonstrate before this court that the alleged corpus are under illegal detention nor he has filed any document or application in this regard moved by the corpus to the Police Authority, to show that they have been illegally detained by the respondent no. 4. The petitioner- next friend, who claims to be husband- next friend of Corpus No. 1, has a remedy to file an application under Section 9 of the Hindu marriage Act, if the wife is not discharging her duties. This petition has no merits and is liable to be dismissed.

After considering the arguments as advanced by the learned counsel for the parties and after perusal of record and the prayer, this court is also of the view that there is no law in the land which shows that any married daughter living with her real father can be claimed to be under illegal detention. The counsel for the petitioner has also not been able to demonstrate before this court by any document/application that the corpus, who is living with her real father, is under illegal detention and she has

moved any application to the Police/District Authority that the father has detained her illegally. The petitioner, if aggrieved by the action and regarding not discharging duty as wife by the corpus towards the husband/petitioner, then he has a remedy under Section 9 of the Hindu Marriage Act to move an application before the appropriate Court for redressal of his grievances. With the above observation, this petition is finally **disposed of.**

(Shamim Ahmed, J.)

Order Date :- 8.7.2024

A.Nigam