

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 168 of 2024

Petitioner :- Smt. Khushi Yadav Thru. Her Husband Kuldeep @ Shani

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

Counsel for Petitioner :- Sudhir Kumar Rai, Dharendra Vikram Singh, Rajendra Kumar

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

This petition has been filed with the following prayer:

“यह कि रिट आदेश व निर्देश जो कि बन्दी प्रत्यक्षी करण का हो निर्गत कर याचिनी को विपक्षी संख्या 5 के यहाँ से आहूत कर उसे उसकी इच्छानुसार स्वतन्त्र किये जाने का आदेश पारित किये जाने की कृपा की जावे।”

On 20.6.2024, the following order was passed in this case:

“1. Heard learned counsel for the petitioner and learned Standing Counsel.

2. Present petition has been filed with the following prayer :-

‘अ. यह कि रिट आदेश व निर्देश जो कि बन्दी प्रत्यक्षीकरण का हो निर्गत कर याचिनी को विपक्षी संख्या 5 के यहां से आहूत कर उसे उसकी इच्छानुसार स्वतन्त्र किये जाने का आदेश पारित किये जाने की कृपा की जावे’।

ब. यह कि कोई अन्य समुचित व विधिक आदेश जो माननीय न्यायालय के अनुसार विधिक व न्यायसंगत हो याचिनी के पक्ष में पारित किये जाने की कृपा की जावे ।

स. यह कि याचिका को सव्यय विपक्षीगण के विरुद्ध याचिनी के पक्ष में स्वीकृत किये जाने की कृपा की जावे ।”

3. Learned counsel for the petitioner submits that the detenue who is a major lady, has been illegally detained by the respondent no.5 with the association of the police officials. It is further submitted that the deponent and detenue have already entered into marriage which has also been registered before the Marriage Registrar, Lucknow. It is also submitted that she was allowed to go with the Investigating Officer for recording of her statement under Section 164 CrPC but despite her request to join the company of the deponent she was forced to go with her parents and a written note of the detenue was also taken forcibly. It is thus, submitted that the direction may be issued to the respondent no.5 for production of the detenue before this Court.

4. List this case on 09.7.2024.

5. SHO of Police station Mohanlalganj and respondent no.5 Shri Bachchu Lal, s/o Late Sheetal Prasad, r/o village Dhanuha Saad Bhadesua, Police station Mohanlalganj, Lucknow are directed to ensure the production of detenue before this Court.

6. Deponent is directed to deposit Rs.25,000/- before the Senior Registrar of this Court within ten days.”

On the last date, i.e. 09.07.2024, this court has passed the following order:

“In compliance of order dated 20.06.2024 Khushi Yadav and Kuldeep @ Shani are present before this Court in person. They have been brought by Sub-Inspector Ram Babu Singh of Police Station Mohanlal Ganj, Unnao.

Father of Khushi Yadav, Sri Bachhu Lal is also present before this Court in person.

This Court asked Khushi Yadav whether she has solemnized marriage with Kuldeep @ Shani, she submits that she got married with Kuldeep @ Shani, but as per Hindu rites and rituals her father has also solemnized her marriage with Kuldeep @ Shani.

Sri Bachhu Lal, father of Khushi Yadav submits that marriage was solemnized under pressure and he also made a prayer before this Court that some amount in the name of her daughter be fixed in a Nationalized Bank by the alleged husband Kuldeep @ Shani and some land also be registered in her name to save her future, as she has just crossed 18 years of age and is an immature lady to think about her future.

Sri Rajiv Kumar Verma, learned A.G.A. also made an agreement with the request of Sri Bachhu Lal father of Khushi Yadav and submits that some financial protection is necessary to secure the future of Khushi Yadav.

When this Court asked Kuldeep @ Shani, the alleged husband to register the land in the name of Khushi Yadav, he submits that the land area about two and half pakka bigha is registered in the name of his father, but he will request his father to transfer his share in the name of Khushi Yadav and he will deposit Rs. 50,000/- in a Nationalized Bank for five years in the name of Khushi Yadav.

On the next date fixed Kuldeep @ Shani will bring deposit certificate of Rs. 50,000/- for five years of a Nationalized Bank in the name of Khushi Yadav and also registered deed/gift deed regarding transfer of share of his land in the name of Khushi Yadav.

List this case on 18.07.2024 before this court for further orders.

On that date, Khushi Yadav along with her father as well as Kuldeep @ Shani along with his father shall appear in person before this Court.

The Sub-Inspector Ram Babu Singh of Police Station Mohanlal Ganj, Unnao shall ensure presence of Khushi Yadav along with her father as well as Kuldeep @ Shani along with his father on the next date fixed.”

In compliance of order dated 09.07.2024, the alleged detenue Khushi Yadav along with her father and Kuldeep @ Shani along with his father are present, in person, before this Court.

Kuldeep alias Shani, husband of Smt. Khushi Yadav, has produced online printout of F.D. deposit of Rs. 50,000.00 booked on 15.07.2024 for five years in the Bank of Baroda in the name of Khushi, before this court.

In respect of the transfer of land, the father of Kuldeep Yadav, who is present before this court, submits that the property is in the name of his father, who is alive, however, he submits that he will look after the daughter-in-law Khushi Yadav and shall also fulfill her requirements.

Kuldeep Yadav alias Shani/husband also assures this court that he will fulfill his liabilities as husband and the demand(s) made by Khushi Yadav in respect of food, clothes, shelter, and other demands.

The father of Khushi Yadav, namely, Bachchu Lal, is also present before this court. He submits that he has no objection at all to the marriage solemnized between his daughter Khushi with Kuldeep and has accepted Kuldeep as son-in-law. He further submits that whatever the dispute was, has now been settled. He is happy that the daughter is living happily and satisfactorily along with the husband Kuldeep.

In view of the above, this petition is finally **disposed off**.

Khushi Yadav will go with her husband Kuldeep alias Shani.

Father of Khushi Yadav will not create any hinderance in their matrimonial life.

It is further directed that the amount of Rs. 25,000.00, which was deposited before the Senior Registrar of this court in perusance of the order dated 20.06.2024 passed by this court, shall be handed over to Khushi Yadav alias Khushi within 10 days from today by the Senior Registrar of this court.

(Shamim Ahmed, J.)

Order Date :- 18.7.2024

A.Nigam