

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 187 of 2024

Petitioner :- Smt Radha Rawat Thru. Her Husband
Dharmendra Singh

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

Counsel for Petitioner :- Mohammad Imran

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Mohammad Imran, learned counsel for the petitioner as well as Sri Ashok Kumar Singh, learned A.G.A.-I for the State and perused the record.

The instant writ petition has been filed seeking issuance of writ, order or direction in the nature of Habeas Corpus commanding and directing the opposite parties to produce the petitioner (detenue) before this Hon'ble High Court and she may be set at liberty under the care and custody of her husband.

Learned counsel for the petitioner submits that the marriage of the Smt Radha Rawat (the detenue) and Dharmendra Singh (the next friend of the detenue) was solemnized on 01.05.2024 and they were living happily. He further submits that the opposite parties have detained the detenue under illegal custody and are not allowing her to come back to her husband.

On the other hand, learned A.G.A.-I for the State submits that the next friend, who claims to be husband, has not annexed any document to justify that they are married to each other nor any marriage registration certificate is filed alongwith the petition nor any other relevant document is filed, which shows that they are married legally as per Hindu rites and rituals except some photographs.

Learned A.G.A.-I further submits that if the detenue is legally wedded wife of the next friend, Dharmendra Singh, then he has a remedy to approach the appropriate forum for redressal of his grievance.

After hearing learned counsel for the respective parties, this Court finds that the next friend, who claims to be husband, has not annexed any document to justify that the detenue as well as

the next friend are married to each other nor any marriage registration certificate is filed alongwith the petition nor any other relevant document is filed, which shows that they are married legally as per Hindu rites and rituals except some photographs.

With the above observations, the instant writ petition is liable to be dismissed, which is hereby accordingly **dismissed**.

Order Date :- 5.7.2024

Saurabh