

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 188 of 2024

Petitioner :- Joginder Kaur Thru. Her Younger Sister Harvinder Kaur

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

Counsel for Petitioner :- Lalla Chauhan

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Lalla Chauhan, learned counsel for the petitioner and Sri Bhasker Mal, learned A.G.A. for the State as well as perused the record.

The instant writ petition has been filed with following main prayer:-

"i. To issue a writ in the nature of Habeas Corpus to direct the opposite party no.4 to 6, to produce (Detenue) Petitioner before this Hon'ble Court."

Learned counsel for the petitioner submits that the detenue is under illegal custody of her own husband and some other persons, therefore, this Court may issue an order for her production and she may be set at liberty to go on her own free will.

On the other hand, learned A.G.A. for the State submits that the relief sought in this petition cannot be granted as the detenue is residing with her own real husband and if the next friend is aggrieved then she may lodge F.I.R. under relevant provisions for redressal of her grievance.

After considering the arguments as advanced by learned counsel for the respective parties, this Court finds that the detenue is living with her own real husband, as such, the relief sought in this petition cannot be granted and if the next friend is aggrieved, then she may approach the appropriate forum for redressal of her grievance.

With the aforesaid observations, this writ petition stands **dismissed**.

Order Date :- 8.7.2024

Saurabh