

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 270 of 2024

Petitioner :- Sangita Gupta Thru. Her Father Pappoo Prasad

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt., Lucknow And 3 Others

Counsel for Petitioner :- Gajendra Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

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

The instant writ petition has been filed seeking following main relief:-

"i. Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite parties to produce the detinue before this Hon'ble Court which is in custody of opposite party no.4."

Learned counsel for the petitioner submits that the detinue and the respondent no.4 are legally husband and wife and the detinue is living with the respondent no.4. This fact has also been stated in para 11 of the affidavit filed in support of the writ petition. The respondent no.4 has also filed a petition under Section 13 of the Hindu Marriage Act, 1955. Thus, she may be produced before this Court and her custody be given to her father.

Learned A.G.A.-I for the State has produced instructions dated 17.09.2024 today in the Court, received from Sub Inspector of Police, Police Station Kotwali Nagar, District Balrampur, which is taken on record. In the aforesaid instructions, it has been stated that the detinue is not under illegal custody as she is willingly live with her husband at her in laws' house on her own sweet will. This fact has also been stated in para 8 and 14 of the instructions. Thus, he submits that the relief sought in this writ petition cannot be granted.

After considering the over all facts and circumstances of the case, this Court is of the view that as per instructions dated 17.09.2024 received from Sub Inspector of Police, Police Station Kotwali Nagar, District Balrampur, the detinue is not under illegal detention as she is willingly living with her

husband in her in laws' house. Further, as per para 11 of the affidavit filed in support of the writ petition, the respondent no.4 and the detenue are legally husband and wife. Thus, the present writ petition lacks merit and is liable to be dismissed.

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

Order Date :- 18.9.2024

Saurabh