

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.5137 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner seeks direction thereby directing the respondents to produce the detenu T. Ramya @ M.Ramya before this Court and she may be set at liberty to lead her life as per her choice.

2. In the affidavit filed in support of the petition, it is stated that the petitioner is doing business and since last two years, he fell in love with said Ramya, who is studying B.Tech. third year. They both decided to marry and accordingly married as per Hindu rites and customs on 27.12.2016 before Arya Samaj, which has issued a marriage certificate. Thereafter, they got registered their marriage with the Registrar of Hindu Marriages, Sanjeeva Reddy Nagar and said authority has also issued marriage certificate.

3. It is further stated that on 3rd February 2017 at about 4 p.m., respondents 4 and 5 along with two Constables, came to his residence and asked him that they want to talk to Ramya. Since she was in the house, she came out and the said respondents 4 and 5, with the support of Constables, taken away Ramya from his custody and handed over to respondent No.6 i.e. her father.

4. Pursuant to order dated 15.02.2017, respondents 4 and 5 have produced respondent No.6 and T.Ramya, wife of the petitioner. We interacted with the wife of the petitioner, who stated that she married the

petitioner at her own wish and with consent at Arya Samaj, and thereafter, marriage was registered before the Registrar of Hindu Marriages. She further submitted that no one has taken away her forcibly, she is a major and is in B.Tech. 3rd year and that she wants to complete the B.Tech. course by staying with her parents. She stated that she has no complaints against any one, including her husband/petitioner, however, she has left the house of the petitioner for the aforesaid reason.

5. It is to be noted that the wife of the petitioner, though married, being major, has every right to move freely wherever she wants. She states before the Court that she wants to stay with her parents, therefore, this Court cannot dictate terms to the wife of the petitioner to stay with the petitioner and lead marital life. That is upto the wife of the petitioner.

6. In view of the facts noted above, the present petition is disposed of. Needless to state that the petitioner is at liberty to adopt legal course available to get his wife to his fold.

Pending miscellaneous applications, if any, shall stand closed.

No costs.

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

20th February 2017

ajr