

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

WRIT PETITION No.7411 OF 2017

JUDGMENT: (Oral)

(Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioners seek direction thereby declaring the action of the respondents in not registering the FIR in pursuance of first petitioner's complaint dated 12.12.2016 and conduct investigation in order to secure the presence of daughter of first petitioner i.e., Mrs. B. Shivani, as illegal, arbitrary and violation of Article 19 of the Constitution of India. Consequently to direct the respondents No.2 and 3 to secure the presence of daughter of first petitioner and wife of second petitioner.

2. As stated in the prayer of the present petition that the first petitioner is mother of B.Shivani and the second petitioner is the husband of the above named lady.

3. It is stated in the present petition that the daughter of first petitioner completed Intermediate 2nd year. She performed marriage of her daughter with second petitioner on 25.10.2015 as per Hindu Rites and Customs. Subsequently, her daughter and second petitioner have been living together at Chintalabasthi, Khairatabad, Hyderabad. Her daughter used to come to her house frequently whenever she wants to see her. On 09.12.2016, her daughter was disappeared from

her house. Subsequently, she made enquiries with second petitioner. He also expressed his surprise that as he was not aware about whereabouts of B. Shivani.

4. Learned Government Pleader for the respondents, who appeared on advance notice, has submits that since it is a Habeas Corpus petition, he directed the concerned police station to produce the alleged detenu. Accordingly, B.Shivani is personally present in the Court.

5. This Court has interacted with her. She states that she is working as a teacher. She married on 25.10.2015 with second petitioner. She is not happy with her husband and does not want to stay with him as well as with her parents. She further states that she wants to continue to stay in the Ladies hostel.

6. It is not in dispute that B.Shivani is a major and married on 25.10.2015 with second petitioner. If she does not want to stay with her husband, no Court or law can compel her to stay with husband, parents or with someone else, because, she is a major and it is her choice, and she can stay wherever she wants.

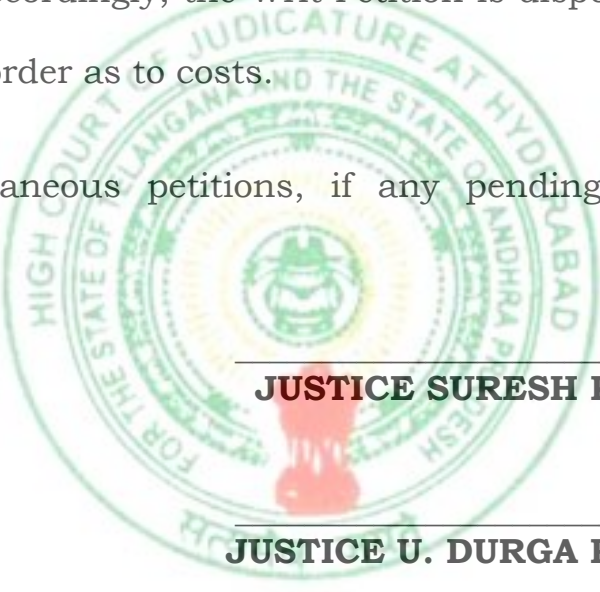
7. In view of the facts recorded above and the interaction with B. Shivani, there is no necessity to pass any direction in the present petition.

8. Before parting with the order, the above named lady has expressed apprehension that her parents or her husband may compel her to stay with them, but she does not want to go with parents or with husband.

9. We hereby make it clear that without her consent or wish, no one, either the petitioner or any third person, would put her in a situation that she would not be able to think freely about her future.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.



JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.

Date : 06-03-2017

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