

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 11 of 2018**

Ankur Garg S/o Vijesh Garg, Aged About 25 Years R/o 166, New Arya Nagar, Ghaziabad, Police Station Shihani Gate, Tehsil, Revenue And Civil District Ghaziabad (Uttar Pradesh., District : Ghaziabad, Uttar Pradesh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Superintendant Of Police District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. SHO, Police Station Tarbahar, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Ku. Payal Singhal, D/o Dinesh Singhal, Aged About 25 Years R/o Near Shiv Mandir, Shanti Kunj Gali, Vidhyanagar, Bilaspur, Police Station Tarbahar, Revenue And Civil District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Dinesh Singhal, S/o Late Narayan Singhal, Aged About 55 Years R/o Near Shiv Mandir, Shanti Kunj Gali, Vidhyanagar, Bilaspur, Police Station, Tarbahar, Revenue And Civil District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Rajesh Singhal, S/o Late Narayan Singhal, Aged About 50 Years R/o Near Shiv Mandir, Shanti Kunj Gali, Vidhyanagar, Bilaspur, Police Station Tarbahar, Revenue And Civil District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rupesh Shrivastava, Advocate.
For State	:	Shri Prafull Bharat, Addl. A.G.
For Respondents 4 and 5	:	Shri T.K.Jha, Advocate

Petitioner and Respondents 3, 4 and 5 are also present in the Court.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****27/03/2018**

This Habeas Corpus petition has been filed by the petitioner / Ankur Garg

seeking issuance of a writ directing production of Ku. Payal Singhal on the allegations that she has been illegally detained by her own parents and Uncle / respondent No.5.

This Court had earlier directed the Station House Officer, Police Station – Tarbahar to serve notice.

Today, the petitioner and respondents 3, 4 and 5 have appeared in the Court.

2. Ku. Payal Singhal stated that she is major and aged 25 years. There is no dispute with regard to the age of Ku. Payal Singhal that she is aged 25 years. Ku. Payal Singhal has stated before this Court that she is not inclined to reside with her parents including respondent No.5, who is her uncle. She would state that she being a major and well educated, wants to pursue her career at Delhi and therefore, she wants to reside in Delhi which she is not being allowed.

3. Shri T.K. Jha, counsel for respondents 4 and 5, upon instructions, submits that the father / respondent No.4 - Dinesh Singhal and uncle / respondent No.5 – Rajesh Singhal have only persuaded Ku. Payal Singhal to pursue her career in Bilaspur, if possible, but there is no compulsion by them. However, it has been expressed by them that she has been allured by the petitioner who happens to be her first cousin to contact marriage though he is already a married person.

4. Shri Ankur Garg, who is present in the Court, has emphatically stated that the allegations are not correct and he has no such intention of marrying Ku. Payal Singhal but he only wants to help her pursue career.

5. Before passing an order in this case, we had requested the counsel for the parties, Shri Prafull Bharat, learned Addl. Advocate General, Dr. N.K.Shukla and Shri Kishore Bhaduri, learned senior members at the bar to hold a meeting in the office of learned Additional Advocate General to sort out differences, if any, between Ku. Payal Singhal and her parents. This case was again taken up and Ku. Payal Singhal had stood firm in her decision to leave her parents' house in pursuit of her career.

6. Having given our anxious consideration to the wishes of Ku. Payal Singhal, who is major, we are of the view that Ku. Payal Singhal is entitled to enjoy the liberty to move wherever she wants, though the parents may advise her, in case, she

needs advise in future. She will have all the rights to move freely wherever she wants to go and the company she chooses to live with, in future.

7. In view of above consideration, we do hereby direct that Ku. Payal Singhal shall be allowed to go wherever she wants to go and live wherever she wants. It will be open for her to choose her own company. Parents or their relatives shall not create any obstruction in the free movement of Ku. Payal Singhal. Ku. Payal Singhal is set free from the Court to go freely wherever she wants to go.

8. The petition is accordingly disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge

Sd/-
(**Sharad Kumar Gupta**)
Judge