

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (HC) No. 21 of 2018

Mohd. Ibrahim Siddhiqui @ Aryan Arya S/o Mohd. Hanif Siddhiqui, Aged about 32 years, R/o Ratna Bandha, Ward No. 18, Dhamtari, District Dhamtari, Chhattisgarh.

---- Petitioner

Versus

1. District Magistrate (Dhamtari) Collectorate Compound, Dhamtari, District Dhamtari Chhattisgarh.
2. Superintendent of Police, Dhamtari, District Dhamtari, Chhattisgarh.
3. Station House Officer, Police Station: City Kotwali, Dhamtari, Chhattisgarh.
4. Ashok Kumar Jain S/o Shri G.C.Jain (Parekh) Aged about 55 years, R/o House No. 3, Mahalaxmi Enclave, Sihava Road, Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Kshitij Sharma, Advocate
For Respondent/State	: Shri J.K.Gilda, Advocate General with Shri UNS Deo, Government Advocate.
For Respondent No. 4	: Ms. Sunita Jain, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

30/07/2018

1. Heard counsel for the parties.
2. This habeas corpus petition has been moved by the Petitioner claiming himself to be the legally wedded husband of one Anjali Jain. According to him, their marriage was performed in the Arya Samaj Temple when a certificate in this regard has been issued by the said temple authorities. The marriage was subsequently also registered.

3. We do not want to make a final comment or give our opinion as to the validity of the so-called marriage so performed and whether the rituals so undergone can bestow the status of a valid marriage, under the Hindu Marriage Act, 1955. Since the Petitioner claims that he converted himself as a Hindu before the said marriage, we leave the question wide open.

4. Coming down to the issue of the illegal detention of Anjali Jain by her parents, she was produced in the Court and the Bench had an interaction with her in the chamber. She is a major of about 23 years of age and she categorically stated that she has not been illegally detained by her parents but the parents surely have serious reservation with regard to the relationship, or the so called marriage between her and the Petitioner.

5. It is also evident from the pleadings and the arguments that the emotions are running high both sides and we are equally concerned about the safety and security of both the Petitioner as well as the girl, namely Anjali Jain. We therefore feel that certain breathing space and time is required to be given in a free atmosphere to Anjali Jain to make up her own independent mind. Under the circumstances, noticed in the earlier part of the order, we cannot also direct that she be released in favour of the Petitioner recognizing her status to be a legally married wife of the Petitioner.

6. Anjali Jain, therefore has the freedom to either go with her parents if she so desires or in case, she does not want to live with her parents, then alternative arrangement of accommodation can be worked out for her. She can be accommodated in GDC Hostel, Bilaspur. The costs and expenses for such accommodation will be borne by her parents for the time being.

7. It is further made clear that the parents of both the sides including the Petitioner will have access to Anjali Jain between 3:30 pm to 5:30 pm thrice a

week i.e. on Monday, Wednesday and Saturday with the permission of the Hostel Warden. It is made clear that the visitation of the Petitioner or his parents or the visit of parents of the girl will not coincide.

8. The Petitioner can take recourse to law with regard to his claim of marriage.

9. The parents of the girl however have submitted that she is under some kind of medical treatment because of her mental condition and situation. It is made clear that access to medical treatment and medication will be made available to her as and when needed.

10. This order has been passed in the totality of the circumstances and keeping in mind the safety of Anjali Jain as the first priority.

11. The Advocate General will take care of the logistics for carrying out the directions of this Court, if the situation so arises.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
JUDGE