

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.28171 of 2018

Date: 23.08.2018

Between:

Budala Param Jyothi,
S/o.Jhon Prakash Raju,
Aged 20 years, R/o.Viswanadhapuram,
Podili village and mandal,
Prakasam district.

...

Petitioner

And

The State of Andhra Pradesh,
rep. by its Principal Secretary,
Home Department,
Secretariat, Velagapudi,
Amaravathi, Guntur district
and four others

...

Respondents

Counsel for the Petitioner : Mr. N.Madhava Rao

Counsel for the Respondents : A.G.P. attached to
A.G.(AP) for R1 to R3

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of habeas corpus, directing respondents No. 1 to 3 to produce Vesapogu Prabhavathi, wife of the petitioner (the alleged detainee) before the Court and to set her free.

2. At the hearing, the petitioner is present and the alleged detainee is produced by the police along with respondent No.5. During our interaction with the alleged detainee, she has stated that she was misled into marrying the petitioner under coercion and threat of the latter committing suicide and that she has not consented for the alleged marriage. She further stated that she is voluntarily staying with her parents and that she does not want to join the company of the petitioner. In the light of the views expressed by the alleged detainee as above, we are convinced that she is not under illegal custody of respondent No.5 and his wife, who are her parents. Hence, the petitioner is not entitled to the relief claimed by him in the writ petition.

3. The writ petition is, accordingly, dismissed. This order however, will not preclude the petitioner from asserting his rights as the alleged husband of the alleged detainee, by availing appropriate remedies available to him in law.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 23rd August, 2018

msb

