

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 16 of 2019**

- Sharad Kumar Kashyap S/o Shri Krishna Prasad Kashyap Aged About 52 Years R/o Village Bharvidih, Police Station-Ratanpur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Inspector General Of Police Bilaspur, Chhattisgarh.
3. The Superintendent Of Police District- Bilaspur, Chhattisgarh.,
4. The Station House Officer Police Station, Ratanpur, District- Bilaspur, Chhattisgarh.
5. Sangeet Kashyap S/o Sushil Kumar Kashyap R/o Village Bharvidih, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Anil S. Pandey, Advocate
For Respondents-State	:	Smt. Fouzia Mirza, Additional Advocate General

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Manindra Mohan Shrivastava, Judge****Order on Board****Per, Manindra Mohan Shrivastava, Judge****17.05.2019**

1. This Petition has been filed by the Petitioner seeking issuance of writ of Habeas Corpus on the pleadings that his daughter Ku. Arti Kashyap has been kept in illegal detention by Respondent No.5.
2. On such allegation made in the writ petition, we directed the State to produce the *detenue* before this Court. The detenue has been brought by Shri Shyam Kumar Sidar, Station House Officer, of P.S. Ratanpur before this Court accompanied with her husband.
3. We interacted with the detenue to find out whether she was illegally detained against her wishes under any compulsion or threat. She has clearly stated that she married Respondent No.5 – Sangeet Kashyap on 17.03.2019 and since then she is residing with her husband-Respondent No.5. She further states that there

is no compulsion on her nor is there any threat or any other kind of pressure exerted on her to stay with Respondent No.5. She is voluntarily residing after her marriage with Respondent No.5 and at the time when attempts have been made by her parents and the family members in the matrimonial house to take her back, she refused and told them she is not prepared to go back but to reside only with her husband.

4. In view of the aforesaid statement of the *detenue* made before us, this writ petition is disposed off with the direction that the *detenue* is free to move along with her husband or wherever she wants to proceed.
5. An apprehension was raised by the *detenue* that because of the resistance offered by her family members in the parental house, she or her husband may be harmed.
6. In view of the aforesaid statement made before us, we would direct that the *detenue* and her husband-respondent No.5 be provided proper police protection to ensure that she undertakes safe visit upto her residence at Raipur. For this purpose, the police officer who brought her to the Court will ensure necessary safety.
7. Petition is closed.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Manindra Mohan Shrivastava)
Judge