

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 19 of 2019**

Man Vishram Grithlahare S/o Makoli Ram Grithlahare, aged about 23 years, R/o Village Lormi, P.S. Lormi, Civil & Revenue District Mungeli, Chhattisgarh.

----Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Home Affairs, Mahanadi Bhawan, Capital Complex Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Superintendent of Police Raigarh, District Raigarh, Chhattisgarh.
3. Station House Officer, Police Station Baramkela, District Raigarh, Chhattisgarh.
4. Station House Officer, Police Station Civil Lines Bilaspur, District Bilaspur, Chhattisgarh.
5. Smt. Mamta W/o Man Vishram, D/o Sadanand Sahu, aged about 21 years, R/o Ward Number 10 Lendhara, P.S. Baramkela, District Raigarh, Chhattisgarh.
6. Sadanand Sahu, aged about 48 years, R/o Ward Number 10 Lendhara, P.S. Baramkela, District Raigarh, Chhattisgarh.
7. Smt. Sundermati Sahu W/o Sadanand Sahu, aged about 45 years, R/o Ward Number 10 Lendhara, P.S. Baramkela, District Raigarh, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Sumit Shrivastava, Advocate
For State	:	Mrs. Richa Shukla, Deputy Government Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

Per, Sanjay K. Agrawal, J.

28.06.2019

1. This Writ Petition (Habeas Corpus) under Article 226 of the Constitution of India has been preferred by the petitioner *inter alia*

stating that respondent No. 5 is his legally wedded wife and she has been confined and illegally restrained by respondents No. 6 and 7.

2. The State has filed return on 25/06/2019, in which it has been disclosed that respondent No. 5 was produced before the Sub-Divisional Magistrate, Bilaspur, where she has expressed her willingness to stay with her parents, and the statement made by respondent No. 5 has also been filed along with the return.
3. Considering that respondent No. 5 is a major and has voluntarily made statement that she wish to stay with her parents i.e. respondents No. 6 and 7, we do not consider it a fit case to entertain this writ petition, further as this petition was only entertained in order to ascertain as to whether custody of respondent No. 5 with her parents i.e. respondents No. 6 & 7 is illegal or unauthorized.
4. Accordingly, this writ petition (habeas corpus) is dismissed. However, the petitioner is granted liberty to move suitable application before the family Court in accordance with law, for restitution of conjugal rights, if any.
5. With the aforesaid observation, this writ petition (habeas corpus) stands disposed of.

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

Sd/-
(Sanjay K. Agrawal)
Judge