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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 22 of 2019**

Chainsingh Sarthi S/o Shri Jeevan Lal Sarthi Aged About 45 Years R/o Village Rajeev Nagar, Ward No. 9, Saria, Police Station, Ward No.9, Saria, Police Station Saria, Tehsil Baramkela, District- Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home Jail, Transport And Water Resources, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Station House Officer Police Station- Saria, District- Raigarh, Chhattisgarh.
3. Superintendent of Police District- Raigarh, Chhattisgarh.
4. Bharthusingh Rautiya Aged About 61 Years, R/o Village Makrinadha, P.S. And Tehsil Duldula, District- Jashpur, Chhattisgarh.
5. Chandrawati W/o Bharthusingh Rautiya Aged About 60 Years R/o Village Makrinadha, P.S. And Tehsil Duldula, District- Jashpur, Chhattisgarh.
6. Rohit S/o Bharthusingh Rautiya Aged About 42 Years R/o Village Makrinadha, P.S. And Tehsil Duldula, District- Jashpur, Chhattisgarh.
7. Dimple D/o Bharthusingh Rautiya Aged About 39 Years R/o Village Makrinadha, P.S. And Tehsil Duldula, District- Jashpur, Chhattisgarh
8. Khageshwar Aged About 45 Years, R/o Village Makrinadha, P.S. And Tehsil Duldula, District- Jashpur, Chhattisgarh
9. Pappu S/o Bharthusingh Rautiya Aged About 25 Years R/o Village Makrinadha, P.S. And Tehsil Duldula, District- Jashpur, Chhattisgarh Chhattisgarh

10. Sub-Divisional Officer (Police) Sarangarh, District- Raigarh, Chhattisgarh

11. Sub-Divisional Officer Sarangarh, District- Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Rahul Tamaskar, Advocate.
For Respondent/State	: Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Parth Prateem Sahu, J

05/07/2019

1. The Petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of habeas corpus for release of the detenue from the custody of Respondents No. 4 to 9, who is alleged to have been confined illegally.
2. Learned counsel for the Petitioner submits that the detenue is wife of the Petitioner as they had performed marriage in a temple and the Respondents No. 4 to 9, who are the parents and family members of the detenue, under the muscle power, took the detenue away from the custody of the Petitioner.
3. On the last date of hearing, this Court had asked the learned counsel for the State to seek instructions in the matter and on that basis, the detenue has been produced by the police authorities before this Court. In the facts and circumstances of this case, we thought it proper to interact with the detenue in chamber.
4. On interaction with the detenue, it has been stated by her that she has not performed marriage with the Petitioner and that the Petitioner is already a married person having two grown up children. When she accompanied her

mother for the purpose of treatment at Duldula on false pretext she was taken by Petitioner on a Motor-cycle and thereafter she was subjected to sexual harassment.

5. The learned counsel for the State, during the course of argument has also placed a copy of the FIR lodged by the detenue before the Police Station, Duldula. On the basis of complaint lodged by the detenue, FIR has been registered against the Petitioner for the offence under Section 376 of the Indian Penal Code. After investigation, the Station House Officer has also submitted the report to the Superintendent of Police, Raigarh.
6. During the course of argument, learned counsel for the Petitioner, on instructions, submits that though the Petitioner was a married person but his wife is residing separately. He also submits that this fact was initially not informed to him by the Petitioner.
7. From the facts emerging on records as well as gathered from the statement of detenue and submission made by learned counsel for the Petitioner it is vivid that the petitioner has suppressed the fact of his marital status which was important material in the facts of the case.
8. In view of the statement made by the detenue during the course of interaction in the chamber as well as the subsequent action taken by her by lodging of a complaint before the concerned police station based on which offence has been registered against the Petitioner, this petition has no merit and is liable to be dismissed. The detenue be sent in the company of her parents.
9. Further, since the Petitioner has suppressed material facts, with respect to his marital status which are required to be pleaded in the petition of such nature, this writ petition is dismissed with exemplary cost of Rs. 5000/- to be deposited by the Petitioner before this Court within a period of one month

from today. After deposit of the cost by the Petitioner, the same shall be remitted to the detinue at the earliest. If the Petitioner fails to deposit the said cost within the time as stipulated, the Registrar General shall initiate Revenue Recovery Certificate proceedings to realise the aforesaid amount, as ordered.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE