

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 27 of 2019**

- Imranuddin Khan S/o Sheikh Alimuddin Khan Aged About 25 Years R/o Sarvamangal Kirana Stores, Yadunandan Nagar, Tifra Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Inspector General of Police Range Bilaspur, District Bilaspur Chhattisgarh.
3. Superintendent of Police Bilaspur District Bilaspur Chhattisgarh.
4. Station House Officer Police Station Sirgitti, District Bilaspur Chhattisgarh
5. Nahid Jahan @ Jaishri Goutham D/o Akhand Pratap Goutam Aged About 21 Years R/o Gour Colony, Yadunandan Nagar, Tifra, Bilaspur Chhattisgarh. (Detenue)

---- Respondents

For Petitioner : Shri Punit Ruparel, Advocate

For Respondent-State : Shri Gagan Tiwari, 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.****18/10/2019**

1. This is a Habeas Corpus Petition filed by the Petitioner seeking production of the Detenu/Respondent No.5.
2. The case of the Petitioner is that Detenu/Respondent No.5 is a major girl of about 21 years of age. She with her own will has performed marriage with him on 16.09.2019 and marriage certificate was also issued in favour of them. Looking to the facts projected and the nature of the writ sought for in the writ petition, on the last date of hearing, we have directed for production of the Detenu/Respondent No.5 before this Court. In compliance of the said direction, the Detenu has been produced before this Court today. We thought it appropriate to have an interaction with the Detenu in the Chamber. During the course of interaction, we found her in a fit state of

mind and she had submitted that she on her own will went along with the Petitioner and thereafter she performed marriage with him under the custom of Mohammadan Law. During the course of interaction she also expressed her will that as on date she want to go along with the Petitioner i.e. her husband. She further stated that during this period no compulsion has been made either by her parents or by police to stay with her parents. Looking to the mark-sheet of the Detenu (Annexure-P/3) on which her date of birth has been mentioned as '**20.06.1998**'. The Detenu during course of interaction has also stated that she was more than 21 years of age on the date when she left her house and eloped with the Petitioner. She further shown her apprehension that their may be threat to their lives also because of inter-religion marriage.

3. The Detenu is major and she wants to live along with the Petitioner i.e. her husband of her own will and wish.
4. In the aforementioned facts and circumstances of the case and the will as shown by the Detenu before us during the course of interaction, we direct that the Detenu be let free to go with her husband i.e. the Petitioner. It is also directed to the Station House Officer of Police Station Sirgitti to escort the Detenu and the Petitioner upto their residence. Looking to the statement of apprehension of live threats, we direct Respondent No.3 & 4 to provide police protection to the Petitioner as well as the Detenu.
5. In view of the aforementioned direction and observation, the petition is disposed off.

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

Sd/-
(Parth Prateem Sahu)
 Judge