

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 29 of 2019**

- Deepak Kumar Khunte S/o Shri Shayam Lal Khunte Aged About 23 Years R/o Village Kaitha, Police Station Hasaud, Tahsil Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Director General of Police Police Head Quarter Raipur, District Raipur Chhattisgarh.
2. The Superintendent of Police Mungeli, District Mungeli Chhattisgarh.
3. Station House Officer Police Station Sarganv, District Mungeli Chhattisgarh.
4. The Superintendent of Police Raigarh, District Raigarh Chhattisgarh.
5. The Superintendent of Police Janjgir Champa District Janjgir Champa Chattisgarh.
6. Gita Bai W/o Dukalu Ram Nisad Aged About 46 Years R/o Village Mohbhattha Police Station Sarganv Tahsil Bilha District Mungeli Chhattisgarh.

---- Respondents

For Petitioner : Shri Avadhesh Mishra, Advocate
 For Respondent/ State : Shri V.R. Tiwari, Additional Advocate General

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

Order on Board**Per, Parth Prateem Sahu, J.****18/11/2019**

1. This is a Habeas Corpus Petition filed by the Petitioner seeking production of the Detenu before this Court and her custody as well, claiming that the Petitioner has performed marriage with the Detenu on 21.09.2019 in the Arya Samaj, Sakti, District – Janjgir-Champa, but Respondent No.6 along with two police persons and two others took away the Detenu forcefully from his possession. Certificate of marriage is annexed as Annexure-P/2.
2. On the last date of hearing, we have directed the learned counsel for the State for production of the Detenu before this Court. Today, the Detenu

has been produced before this Court and we thought it appropriate to interact with the Detenu in Chamber. On interaction, the Detenu has stated that she performed marriage with the Petitioner in Arya Samaj, but subsequently, for the ill treatment given to her she had given a telephone call to her mother and her mother has made complaint to the concerned Police Station. She also stated that she has been recovered from the house of the Petitioner. During the course of interaction, she firmly stated that now she wants to reside with her mother and she do not want to go in the company of the Petitioner.

3. The Detenu, as on date, is a major girl aged about more than 18 years of age and looking to her will and wish, we do not find any reason to grant the relief as sought for by the writ petitioner in this writ petition.
4. For the foregoing reasons, the facts and circumstances of the case and the will as shown by the Detenu before us during the course of interaction, she is free to live at a place of her choice.
5. The Petitioner if aggrieved by the act of detenu then he will be at liberty to draw any proceedings available to him in accordance with law.
6. For the present, the Detenu as disclosed before us during the course of interaction that she want to go with her mother, we direct that the Detenu shall be sent in the company of her mother and the concerned Police, who has produced the Detenu shall look into the affairs so that the Detenu and her mother reaches to the place of their resident safely.
7. For the foregoing reasons, the writ petition stands dismissed.

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

Sd/-
(Parth Prateem Sahu)
 Judge