

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 31 of 2019**

Rajesh Kumar Pandey S/o Shri Vidya Prasad Pandey, aged about 45 years, R/o Barasin Chowk, Pandaria, District Kabirdham Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. Superintendent of Police, Bilaspur, District Bilaspur, Chhattisgarh
3. Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.
4. Krishna Kurre @ Golu S/o Haricharan Kurre, aged about 23 years, R/o Ghogharapara, Pandaria, District Kabirdham, Chhattisgarh.

---- Respondents

For Petitioner	:	Ms. Prakritee Jain, 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.****09/12/2019**

1. The Petitioner, who is the father of the detenue has filed this petition seeking for the following reliefs:

"10.1 That this Hon'ble Court may kindly be pleased to issue a writ in the nature of habeas corpus, thereby directing the respondent authorities to produce the Swanjal Pandey before this Hon'ble Court and further be pleased to grant police protection to the petitioner and her relatives in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to kindly grant any other relief which may deem fit in

the given facts and circumstances of the instant case."

2. Case of the Petitioner is that her daughter namely Swanjal Pandey who is student of B.Sc. Part I, has been illegally detained by the Respondent No. 4 by way of giving threatenings to ruin her life.
3. After hearing the submissions made by learned counsel for the Petitioner as well as the learned counsel for the State, we directed the State for production of the detenue before this Court. On the basis of said direction issued by us, the detenue has been produced before this Court by the concerned Police and we have interacted with the detenue in the Court.
4. During the course of interaction, we found the detenue to be more than 18 years of age and student of B.Sc. Part I. She appeared to be confident and firm and has shown her will to reside with Respondent No. 4 stating that she and Respondent No. 4 had already performed marriage at Nagpur and presently, she is residing comfortably in the company of Respondent No. 4 at Pandariya, District Kabirdham, Chhattisgarh.
5. Looking to the age of detenue and will expressed by the detenue before this Court that she wants to reside with Respondent No. 4, we direct the concerned Police Officer to set the detenue free so as to exercise her own discretion and will to live with the person of her own choice.
6. With the aforesaid observations and directions, this writ petition stands disposed of.

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

Sd/-
(Parth Prateem Sahu)
JUDGE