

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

W.P.No.15874 of 2019

Date: 13.08.2019

Between:

I. Sai Kiran

...Petitioner

and

The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad, and others.

...Respondents

Counsel for the petitioner: Mr.Ch. Shiva Kumar

Counsel for the respondents: Mr. Santosh Kumar
G.P. attached to the Office of
the Advocate General

The Court made the following:

ORDER: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

Mr. I. Sai Kiran, the petitioner, has filed the present Habeas Corpus Petition, ostensibly on the ground that his wife, Jeeva Mamatha, has been taken away by her father, Mr. Lakaram, the respondent No.4, and she is being illegally detained in Marwar Junction, Pali District, Rajasthan.

In pursuance of the order dated 09.08.2019 passed by this Court, the respondent No.3, the Station House Officer, L.B. Nagar Police Station, has produced the *detenue* before this Court.

This Court has spoken to Ms.Jeeva Mamatha. She informs this Court that she is twenty years old. While she was studying in college in Hyderabad, she had met Mr. I. Sai Kiran, the petitioner. Both of them had fallen in love. On 28.05.2019, they married each other at Arya Samaj, Nalgonda. However, she is having a second thought about continuance of her marriage. She would like to continue her education and to complete her B.E. degree. Moreover, she still has about one and half more year for completion of her B.E. degree. Therefore, she would like to pursue her education in Rajasthan. Thus, out of her own volition she has left her matrimonial home. She further informs this Court that she would like to continue to live with her father, the respondent No.4, and she has no desire presently to resume her cohabitation with the petitioner.

Considering the fact that Jeeva Mamatha, the *detenue*, is major, considering the fact that she has left the matrimonial home out of her own free will, considering the fact that she would like to continue to live with her father, the respondent No.4, her custody with her parents in Rajasthan cannot be said to be an illegal one. Therefore, the respondent No.3 is directed to restore the custody of Jeeva Mamatha to her father, the respondent No.4.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(T. AMARNATH GOUD, J)

Date: 13.08.2019
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