

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.358 of 2020

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

DIWAKAR NATH Son of Late Jagdishwar Nath Srivastava, Resident of B-15, Mitra Mandal Colony, Saket Vihar, P.O.- Anishabad, P.S.- Phulwarisharif, District- Patna, presently residing at Flat No.- 406, Mahesh Complex, Saristabad Road, Near Kachchi Talab, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Home, Government of Bihar, Patna.
2. The Chief Secretary, Deptt. of Home, Govt. of Bihar, Patna.
3. The Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Station House Officer, Budha Colony Police Station, District- Patna.
7. Kusumlata Sinha Wife of Late Brij Bihari Sinha, Resident of North Mandiri, Dwarika High School, Near Ganga Mahal Lane, P.S.- Budha Colony, District- Patna.
8. Rohit Sinha Son of Late Brij Bihari Sinha, Resident of North Mandiri, Dwarika High School, Near Ganga Mahal Lane, P.S.- Budha Colony, District- Patna.
9. Mohit Sinha Son of Late Brij Bihari Sinha, Resident of North Mandiri, Dwarika High School, Near Ganga Mahal Lane, P.S.- Budha Colony, District- Patna.
10. Shweta Sinha Wife of Diwakar Nath, Daughter of Late Brij Bihari Sinha Presently residing of North Mandiri, Dwarika High School, Near Ganga Mahal Lane, P.S.- Budha Colony, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv
For the Respondent/s : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-09-2020

The proceedings of the Court are being conducted



through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for following reliefs:-

- I. “issuance of writ or writs in the nature of Habeas Corpus commanding the respondents including respondent no. 7 to 9 to produce respondent no. 10 who is legally wedded wife of the petitioner before this Hon’ble Court who is kept in illegal confinement against the consent or free will of the respondent no. 10.
 - II. Issuance of order/orders, direction/directions to permit respondent no. 10 to live according to her own free will as respondent no. 10 is major.
 - III. Issuance of such other declaration that a major person in free India is entitled to live life of her choice and without any compulsion or force by any other persons.
 - IV. Grant such other relief or reliefs as your Lordships may deem fit and proper.
- It has been submitted by the counsel for the

Petitioner that marriage of petitioner was solemnized with respondent no. 10 as per Hindu Rites and Customs on 07.07.2019 and on 08.07.2019 respondent no. 10 came to her matrimonial home and lived there and thereafter on 18.10.2019 went to her parental house and it appears from Annexure-3 that there was some matrimonial dispute between the parties for



which a complaint was lodged by respondent no. 10 against petitioner in Mahila Police Station where both parties appeared but the dispute could not be resolved.

Petitioner has filed this habeas corpus petition on the ground that respondent no. 10 is major and is under unlawful confinement of her parents respondent no. 7 and 9 against her will and as such may be directed to be set free and live life of her own choice with free will.

After some arguments, counsel for the petitioner prays to withdraw this criminal writ petition to enable him to approach appropriate forum/family court for redressal of his grievances.

With aforesaid liberty, the criminal writ petition is dismissed as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

