

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 32 of 2019**

- Ujjawal Vaishnav, S/o Late Rajkumar Vaishnav, aged about 29 years, R/o Village and Post Dabhra, Tahsil Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Home Affairs, Mahanadi Bhavan, Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Superintendent of Police District Janjgir-Champa, Chhattisgarh.
3. Station House Officer Police Station Dabhra, District Janjgir-Champa, Chhattisgarh.
4. Raghunath Dewangan, aged about 50 years, R/o Village Pendrawan, Police Station Sarsiwa, District Baloda Bazaar, Chhattisgarh.
5. Pooja Dewangan, D/o Raghunath Dewangan, aged about 24 years, R/o Village Pendrawan, Police Station Sarsiwa, District Baloda Bazaar, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ujjawal Vaishnav, in person.
For Respondent/State	:	Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per Parth Prateem Sahu, Judge****27.01.2020**

1. Petitioner has filed this instant petition seeking a writ of Habeas Corpus. It is a case of the Petitioner that he is in love with the detenue, both of them are major and wanted to marry. The father of the detenue after getting knowledge of intention of detenue has kept her in confinement against her will.

2. In pursuance of the earlier order passed by this Court on 21.01.2020 detenue has been produced by the concerned Police Officer before this Court. We have interacted with her and she replied our queries firmly. She submitted that she is an M.Sc. (Chemistry) qualified and has been detained by her parents in her house. She also stated that she is in lover affair with the Petitioner and this fact has been brought to the notice of her parents that she and Petitioner wanted to marry, but parents objected and not let her to move out of the house. She informed that her date of birth is 28.03.1994. She also stated that her educational testimonials have been forcefully kept by her father.
3. In pursuance to earlier order dated 06.01.2020 looking to the fact projected by the Petitioner supported with documents alongwith the Whatsapp chat, we have directed the Station House Officer, Dabhra, District Janjgir-Champa to record the statements of the detenue by some woman Police Officer. Statement of detenue recorded by Police is produced by the learned counsel for the State alongwith an application for taking additional documents on record. We have carefully gone through the statements recorded by the Police Officer in which she stated in categorical term that she has been kept in detention by her parents and she wanted to marry with the Petitioner, but her parents are not giving permission to her for that instead assaulted her and put restrictions on going out from her house.
4. In our earlier order, we have directed to issue notice to Respondent No. 4 (father of detenue), but the process fee is not paid. As the detenue is produced by Police from her parent house, they are having knowledge of the proceeding in this case before High Court but Respondent No. 4 chose not to appear. As Respondent No. 4 got the knowledge of proceedings and chose not to appear we dispense the Petitioner from payment of process fee and proceed to pass orders in this case.

5. Looking to the age of detenue as stated by her that she is more than 24 years of age, M.Sc. Qualified, and also that the contents of the statement recorded by Police and also the statement made before this Court, we find that the detenue is a major girl, she is able to take decision for her own good, we direct the concerned Police authorities to let the detenue free to go and live with the person and the place of her choice.
6. So far as the submissions made by the detenue that her testimonials have been kept by her parents and not ready to hand over to her, no orders can be passed in this present case proceedings. Detenue will be at liberty to file appropriate proceeding for the recovery of the documents from the custody of her parents before appropriate forum.
7. In view of the above, the case is closed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge