

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 1 of 2021**

- Mahboob Ali Farooqi, S/o Gulam Rasood, aged about 28 years, R/o House No.16/43, Ward No.4, Dev Nagar, Tifra , Bilaspur, District Bilaspur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Superintendent of Police Bilaspur District Bilaspur (CG)
3. Station House Officer, Police Station Tarbahar, District Bilaspur (CG)
4. Ranjeet Mahadeva, aged about 35 years, R/o Villae Kanan Pendari, at Present Gram Sachiv of Village Kota, District Bilaspur (CG)
5. Hajari Lal Bhardwaj, aged about 55 years, R/o Village Kharaud, Police Station Shivrinarayan, District Janjgir Champa (CG)
6. Satish Bhardwaj, S/o Hajari Lal Bhardwaj, aged about 28 years, R/o Village Kharaud, Police Station Shivrinarayan, District Janjgir Champa (CG).
7. Meena Bhardwaj, W/o Hajari Lal Bhardwaj, aged about 52 years, R/o Village Kharaud, Police Station Shivrinarayan, District Janjgir Champa (CG)

---- Respondents

For Petitioner	:	Mr. Saleem Kazi, Advocate
For Respondent No.1 to 3	:	Mr. Chandresh Shrivastava, Deputy Advocate General.

Hon'ble Shri PR Ramachandra Menon, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order On Board**Per Parth Prateem Sahu,J****15.1.2021**

1. Petitioner, who claims himself to be the landlord of detenue, has filed this habeas corpus petition seeking release of Smt. Usha Bharti Mahadeva, who is alleged to have been illegally

detained by respondents No.4 to 7.

2. Facts of the case in brief that on 1.1.2021 at about 4.00 p.m. the father, mother, brother & husband of Smt. Usha Bharti Mahadev came to her house and forcefully took her along with them. On coming to know said fact, the petitioner dialled '112' and called the police. When the police reached house of respondents No.4 to 7, they found Smt. Usha Bharti in safe condition. Pleading some other factual aspects, the petitioner has sought for following reliefs:-

“10.1. That, this Hon'ble Court may kindly be pleased to issue a writ of “Habeas Corpus” to the respondents directed to produce Smt. Usha Bharti Mahadeva and she may be free from the custody of private respondents.

10.2. That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to ensure that life and limb is secure of Smt. Usha Bharti Mahadeva.

10.3. Any other relief, which may be deemed, fit by this Hon'ble Court just and proper in the facts and circumstances of the case may also be provided in favour of the petitioner.”

3. Considering the rival submissions of learned counsel for the petitioner as also learned Deputy Advocate General for the State, based on the information received by him on advance copy, this Court vide order dated 6.1.2021 directed the State Counsel to file statement and to produce the detinue before this Court.
4. Today when the matter is taken up for hearing, learned Deputy

Advocate General informed this Court that statement of detenue and her parents have been filed along with memo of submission filed on behalf of the State. He submits that as per statement of the detenue, she is comfortably residing with her parents without any coercion or pressure and she does not have any grievance. Detenue is also present before this Court.

5. We have perused statement of the detenue dated 5.1.2021 placed on record along with memo of submission wherein the detenue has specifically stated that she is residing with her parents with her own free will, there is no mental and physical pressure upon her of anyone.
6. Mr. Saleem Kazi, learned counsel appearing on behalf of petitioner submits that looking to the nature of pleadings made in writ petition and documents placed on record by the petitioner along with application for taking documents on record dated 12.1.2021, the detenue be interacted in a camera proceeding so that correct facts with regard to ill treatment and pressure mounted upon the detenue can be ascertained. She will be able to state correct facts freely.
7. We have interacted with the detenue in Chamber. Upon interaction, the detenue appeared to be a firm matured lady, even it does not appear to us that she is suffering from any ailment. She understands the things. On specific query being made by us, the detenue firmly states that she is residing

comfortably along with her parents and she is not having any complaint of any nature against anyone of them. She expressed her desire to live with her parents.

8. During the course of hearing, it was informed to this Court that detainee has been brought from the house of her parents. The detainee is a major married lady of 30 years, she is having all the rights and liberties to reside at the place of her own choice. Therefore, we direct the respondents to escort the detainee and leave her to her parents' house safely, as desired by her.

9. Accordingly, the petition stands disposed off.

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

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-