

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPHC No. 05 of 2021

Moin Khan, S/o Asim Khan, Aged About 23 Years, R/o Qtr. No. 232,
Maharana Pratan Nagar, Niharika, Korba, District- Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through: The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
2. Superintendent of Police- Bilaspur, District- Bilaspur (C.G.)
3. Station House Officer, Police Station, Masturi, District- Bilaspur (C.G.)
4. Station House Officer, Police Station, City Kotwali Korba, District- Korba (C.G.)
5. Karina Siddique, D/o Saleem Siddique, Aged About 21 Years, R/o Darri Ghat, Police Station Masturi, District- Bilaspur (C.G.)
6. Saleem Siddique, Aged About 50 Years, R/o Darri Ghat, Police Station Masturi, District- Bilaspur (C.G.)
7. Mirza Ashif @ Nishu, S/o Late Hashim Mirza, Aged About 30 Years, R/o Purani Basti Korba, District- Korba (C.G.)

---- Respondents

For Petitioner : Mr. Punit Ruparel, Advocate.

For State : Mr. Vikram Sharma, Dy. G.A.

DB: Hon'ble Shri P.R. Ramachandra Menon, Chief Justice &

Hon'ble Shri Narendra Kumar Vyas, J.

Order On Board

Per P.R. Ramachandra Menon, Chief Justice.

22/03/2021

1. The petitioner has moved to this Court with following prayers:-

- (i) That this Hon'ble Court may kindly be pleased to issue a writ of "Habeas Corpus" to the respondents directed to produce the respondent No. 5 (Karina Siddique) and she may be given in the custody of the petitioner.
 - (ii) 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.
- 2. The case of the petitioner is that the petitioner and the fifth respondent want to marry each other but, on coming to know about this, the father and cousin of the fifth respondent have put her in illegal detention, which made the petitioner to move this Court by filing this writ petition.
- 3. When the matter was taken up for consideration on 15.03.2021, it was submitted by Mr. Vikram Sharma, Dy. Govt. Advocate for the State that the factual position was got ascertained by sending a bailiff to the residence of the fifth respondent. Statement of the detinue/ fifth respondent was recorded and the statement of the father was also taken, which revealed that there was no illegal detention and that the father was having no objection to give the fifth respondent in marriage to the petitioner. Similar was the view expressed by the fifth respondent as well, asserting that there was no illegal detention by the father, cousin or anybody else and was living with her father on her own will.
- 4. In such circumstances, we wanted to ascertain the factual position, for which, the presence of fifth respondent was

insisted, to be produced by the police. Pursuant to the above order, detainee/ respondent No. 5 - Kareena Siddiqui is present before this Court, produced by Mr. Manoj Singh Rajput, H.C. 1339, Police Station- Masturi, District- Bilaspur (C.G.). We interacted with the detainee/ respondent No. 5, who confirmed the position, which is virtually in conformity with the submission made by Mr. Vikram Sharma, Dy. Govt. Advocate for the State on 15.03.2021. It is stated that the detainee is staying with her father on her own will and is not under any illegal detention of anybody.

5. In such circumstance, no further adjudication is necessary. The fifth respondent let free to reside at the place of her choice.
6. The writ petition stands disposed of.

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

Sd/-
(Narendra Kumar Vyas)
Judge