

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 155 of 2022

Biswajit Behera

.....

Petitioner

Mr. B. Mohanty, Advocate

-versus-

State of Odisha and Ors.

.....

Opposite Parties

Ms. S. Patnaik, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

25.11.2022

Order No.

01.

1. This matter is taken up through the hybrid mode.
2. Mr. B. Mohanty, learned counsel appearing for the Petitioner has submitted that the wife of the Petitioner, namely, Bishnupriya Bhanja is untraced since 21.07.2022.
3. It surfaces from the petition that the marriage of the Petitioner with Bishnupriya Bhanja took place on 15.12.2021 in a temple and in due course, the said marriage was registered on 23.06.2022 by the Marriage Officer, Sambalpur. The Petitioner has asserted that the Opposite Party No.5, who is the father-in-law of the Petitioner, has confined his wife. The Opposite Party No.5 is also not allowing his wife to talk to him. Despite his efforts, he could not make any communication with her. Hence, by means of this petition, the Petitioner urges this Court to issue a writ of habeas corpus for production of his wife. But, we do not find any materials in the writ petition as regards the unlawful custody or illegal

detention. There is no material in the writ petition to hold a prima facie view that, the wife of the Petitioner was taken away by applying force. There are reasons to believe that the wife of the Petitioner has left the matrimonial home on her own volition. But these are all unascertained facts. In this background, we direct the Opposite Parties No.3 and 4 to escort the Petitioner to meet his wife in the residence of the Opposite Party No.5 for having a discussion and that has to be arranged within seven days from today. If it is found that the Opposite Party No.5 has confined the wife of the Petitioner against her wishes, the Opposite Parties No.3 and 4 are directed to rescue her and if she is inclined, let her live with the Petitioner.

4. In terms of the above, this writ petition stands disposed of.

5. Free copy of this order be supplied to Ms. S. Patnaik, learned Additional Government Advocate, who has appeared in the proceeding on advance notice.

6. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge