

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRWP-6908-2021 (O&M)
Date of decision: 04.05.2022**

KAUSHALYA DEVI

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Aanand Kumar Maurya, Advocate for
Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Pranshul Dhull, Advocate
for respondent No.4.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of *habeas corpus* directing the respondents to release and produce the detenue namely Dinesh Mathur son of Late Rajmal Mathur on the allegation that Dinesh Mathur, who is mentally challenged and is under treatment with the National Institution for the Mentally Handicapped, Regional Centre, New Delhi, is being illegally confined by respondent No.4.

Learned counsel for the petitioner contends that her brother Dinesh Mathur, who suffers from mental disability to the extent of 50% has been illegally detained by respondent No.4 with an evil eye on the property of Dinesh Mathur. It

is also alleged that the sister-in-law i.e., wife of Dinesh Mathur was thrown out of the house by respondent No.4.

Status report by way of affidavit of Pawan Kumar, Deputy Superintendent of Police, Bahadurgarh, District Jhajjar has been filed. The relevant extract of the said status report is reproduced hereinbelow:

1. That present petition is not main table in the present form as during inquiry it has come that Dinesh Mathur son of Late Rajmal is residing with his brother Om Parkesh at his own sweet will and no one confined him. Dinesh Mathur himself gave in writing in presence of the Kaushalya Devi (Petitioner) that he does not want to reside with his sister Kaushalya Devi because she beats him and even she does not know him to speak in the house. Dinesh Mathur himself gave in writing that now he wants to reside with his brother Om Parkash i.e. Respondent No.4.

It is also evident from the perusal of the said status report that the alleged detainee namely Dinesh Mathur himself gave in writing that he wants to stay with respondent No.4-Om Parkash. The said aspect was duly video recorded by the investigating agency in the presence of the SHO. It is thus submitted that the alleged detainee namely Dinesh Mathur has not been illegally confined by any person and the averments contained in the petition expressing apprehensions with respect to life and liberty of Dinesh Mathur are misplaced and unsubstantiated.

Insofar as the allegation with regard to wife of Dinesh Mathur having been forcible turned out of the house is concerned, the said allegation is not substantiated. In any case, there is no reason why the petitioner chose not to implead the said estranged wife of Dinesh Mathur.

Needless to mention that in the event of any such forcible

dispossession of the estranged wife of Dinesh Mathur, she has every right to take recourse to the remedies available to her in accordance with law. I find that the present petition suffers from gross lack of merit and is liable to be dismissed.

Present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

May 04, 2022

S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No