

2023:PHHC:117913

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

**CRWP-8640-2023
Date of Decision:06.09.2023**

Rekha Devi

...Petitioner

vs.

State of Haryana and others

...Respondents

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : None for the petitioners.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a Writ in the nature of Habeas Corpus to release the *detenue* namely Vikas son of the petitioner, from the illegal custody of respondents No. 4 to 11.

2. Learned State counsel on instructions from SI Jaan Mohammad submits that earlier Prem Parkash, husband of the petitioner and father of the alleged *detenue* namely Vikas had lodged FIR No.92 dated 20.02.2023 under Section 346 IPC against the illegal confinement of his son i.e Vikas.

3. During the course of the investigation of the said case, the police had gone to West Bengal and found that alleged *detenue* namely Vikas was living with Neetu Jha, respondent No.4. During the course of investigation, Vikas son of the petitioner, had informed the police that he was major and was happily married to Neetu Jha, respondent No.4 and refused to accompany the police.

4. As a consequence, the investigation in the said case was ordered to be closed, as alleged *detenue* namely Vikas was not in illegal confinement and was happily married and living in West Bengal.

5. Now, wife of Prem Parkash, i.e. the present petitioner has filed the instant petition under Article 226 of the Constitution of India for issuance of a Writ in the nature of Habeas Corpus against respondent No.4 and other respondents by making false averments in the present petition.

6. Learned State counsel on instructions from SI Jaan Mohamaad submits that the alleged detenue is not in illegal custody, which has been duly established during the course of investigation of the abovesaid FIR.

7. In view of the statement made by learned State counsel, no further orders are required to be passed by this Court and the petition is ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

06.09.2023
hitesh

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