

(2000) 02 RAJ CK 0063

In the Rajasthan High Court

Case No : Civil Habeas Corpus Petition No. 6160 of 1999

Ajay Barhat

APPELLANT

Vs

Superintendent of Police and Others

RESPONDENT

Date of Decision : 10-02-2000

Acts Referred:

Citation : (2000) CriLJ 1617 : (2000) 3 RLW 1575

Hon'ble Judges : Gyas Sudha Misra, J; Ashok Parihar, J

Bench : Division Bench

Advocate : G.S. Sharma and V.K. Sharma, for the Appellant; Ajay Purohit, G.A., for the Respondent

Final Decision : Dismissed

Judgement

1. This writ petition for habeas corpus has been moved by the petitioner alleging that respondent No. 3 Ms. Richa Tulsian is his wife, with whom marriage ceremony was performed on 11-11-1999 and although they were living together, his wife Richa Tulsian was forcibly taken away by her father, respondent No. 4 Sh. Hari Narayan Tulsian. He had thus alleged that his wife Richa Tulsian is under illegal detention of her father Hari Narayan Tulsian, respondent No. 4, and she has been forced to live with her father against her wishes. A show cause notice was, therefore, issued to the respondents, but the petitioner's advocate Shri G.G. Sharma pressed hard that the wishes of the girl should be ascertained by this Court. We, therefore, summoned the girl in order to find out the real situation in the matter.

2. In response to the notice issued to the respondents, Richa Tulsian, the alleged wife of the petitioner, is present in person before us. We have talked to the girl in presence of the advocate for the petitioner and the Government advocate.

3. Richa Tulsian has stated in unequivocal terms that although she knows the petitioner, she is not his wife and she is living willingly with her parents without

any pressure. She has further stated that she is a major above the age of 18 years.

4. In view of the clear statement, made by the girl, it is obvious that no case of illegal detention has been made out so as to entertain this habeas corpus petition.

5. Hence, this habeas corpus petition is dismissed and the amount of Rs. 2,000/-, which had been directed to be deposited by the petitioner, shall also be paid to respondent No. 3 Richa Tulsiyan, as we had made it clear to the petitioner and his advocate that in case the girl states that she is not under illegal detention of her father, the habeas corpus petition will be dismissed with costs.

6. In view of the aforesaid circumstances, the habes corpus petition stands dismissed with cost.