

(2000) 11 P&H CK 0151
In the Punjab And Haryana At Chandigarh
Case No : Criminal W.P. No. 1389 of 2000

Ashok Kumar Mishra

APPELLANT

Vs

Rajinder Parshad

RESPONDENT

Date of Decision : 07-11-2000

Acts Referred:

Citation : (2000) 4 AICLR 505 : (2001) 1 Marr.LJ 398 : (2000) 4 RCR(Criminal) 768

Hon'ble Judges : S.S.Nijjar, J

Advocate : Mr. S.S. Siao, Advocate; Mr. R.P.S. Athwal, DAG, Punjab and Mr. Sanjeev Bansal, Advocate., Advocates for appearing Parties

Judgement

S.S. Nijjar, J.

1. The petitioner has filed this petition under Habeas Corpus jurisdiction of this Court for release of his alleged legally wedded wife from the illegal detention of her father.
2. After hearing the counsel for the petitioner, this Court appointed a Warrant Officer. The Warrant Officer has submitted his report on 6.10.2000. The Warrant Officer recorded the statement of the alleged detenu Miss Anju Bala. In the statement made before the Warrant Officer, it is stated that her parents have not put any pressure in making the statement. It is stated that whatever is stated in the petition is totally wrong. She has not met petitioner Ashok Kumar for the last two years. The photographs which have been attached with the petition do not prove that the petitioner is the husband of the alleged detenu. She has categorically stated that she does not accept the petitioner as her husband. Even if he accepts her as the wife, she is not prepared to go with him. It is further stated that she has read the entire petition and the same is totally false. She had given an undertaking to appear in this Court. Today she is present in Court. She has reiterated the statement made before the Warrant Officer. She has further stated that he had given her some sort of substance as a consequence of which she was not aware what she was doing.

3. Counsel for the petitioner has vehemently argued that the statement which is given by the alleged detenu is under the pressure of her father and mother who are present in Court.

4. I am of the considered opinion that in its extraordinary jurisdiction under Articles 226/227 of the Constitution of India, it would be wholly inappropriate for this Court to investigate the intricate questions of facts which are matters best left for the trial Court to scrutinize on the basis of the evidence adduced by the parties. In these summary proceedings the statements made by the alleged wife have to be accepted at face value. In such circumstances, it has to be held that the case put forward by the petitioner is wholly false. These proceedings have been misused by the petitioner for securing a relief which is otherwise available under other provisions of law. Petitioner could well have made an application for restitution of conjugal rights. Instead of resorting to normal remedy the petitioner abused the process of this Court by filing the present petition.

Keeping in view the aforesaid facts and circumstances of the case, the habeas corpus petition is dismissed with costs of Rs. 10,000/-. The costs be deposited with the legal aid fund.