

(2013) 04 RAJ CK 0092

In the Rajasthan High Court

Case No : Habeas Corpus Petition No. 69 of 2013 and Criminal Miscellaneous Petition No. 1165 of 2013

Meera (Smt.) and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 22-04-2013

Acts Referred:

Citation : (2014) 1 WLN 474

Hon'ble Judges : Nisha Gupta, J; Mohammad Rafiq, J

Bench : Division Bench

Advocate : Rajesh Choudhary in DB Habeas Corpus Petition No. 69/13 and Mr. Ashindra Gautam in SB Cr. Misc. Petition No. 1165/13, for the Appellant; Ashindra Gautam, Advocate in DB Habeas Corpus Petition No. 69/13, Smt. Rekha Madnani, Government Counsel in DB Habeas Corpus Petition No. 69/13 and SB Cr. Misc. Petition No. 1165/13, Mr. Rajesh Choudhary, Advocate in SB Cr. Misc. Petition No. 1165/13 and Mr. Indra Singh, SI Police Station Sadar Jaipur (West), Jaipur, for the Respondent

Judgement

Mohammad Rafiq, J.—Statement of corpus Ms. Kiran Kumari Giri as well as of Sanjay Kahar with whom, she contacted marriage has been recorded by the Deputy Registrar (Judicial) of this Court. Corpus Ms. Kiran Kumari Giri, whose date of birth is 03.07.1994 is major and has stated that she has married to Sanjay Kahar out of her free will without any coercion or duress but her parents are not accepting their marriage and they have lodged criminal cases against them. She wants to stay with her husband Sanjay Kahar, who is helping her in further studies. In that view of the matter, we do not find any case of habeas corpus.

2. The habeas corpus petition is accordingly dismissed.

3. Learned counsel for the complainant objected to the criminal misc. petition filed under Sec. 482 Cr.P.C. disputing the age of the corpus-Ms. Kiran Kumari Giri but considering the birth certificate and date of birth of Ms. Kiran Kumari Giri

indicated in Secondary School Examination Certificate and Transfer Certificate of the Government Senior Secondary School Sahunagar, Sawai Madhopur, we are satisfied that Ms. Kiran Kumari Giri is a major, From the marriage certificate issued by the Arya Samaj and another marriage certificate issued by the Municipal Council Ajmer (Ann. 5 & Ann. 6), we are also satisfied that corpus Ms. Kiran Kumari Giri has married to Sanjay Kahar.

4. Thus, in view of statement of Ms. Kiran Kumari Giri and that of Sanjay Kahar and the various documents mentioned above, further proceedings in FIR No. 98/2013 challenged in S.B. Criminal Misc. Petition No. 1165/2013 cannot be allowed to continue.

5. Accordingly, FIR No. 98/2013 registered with Police Station Sadar, Jaipur City (South) for offence under Sec. 366 IPC is quashed and set-aside. The criminal misc. petition under Sec. 482 Cr.P.C. is accordingly allowed and stands disposed of.