

(2009) 10 AHC CK 0222
In the Allahabad High Court

Rekha Rawat

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 28-10-2009

Acts Referred:

Citation : (2009) 10 AHC CK 0222

Hon'ble Judges : Uma Nath Singh, J;S.N.H. Zaidi, J

Bench : Division Bench

Judgement

1. Short counter affidavit filed on behalf of Superintendent of Police, Barabanki, in Court is taken on record.
2. Pursuant to our order dated 15.10.2009, detinue petitioner Rakha Rawat, her husband, and her parents are present in Court. She makes a statement that she wants rehabilitation in her matrimonial home in order to start family life with her husband Desh Raj, to whom she is legally wedded.
3. Petitioner's parents, Sri Rajendra Rawat (father) and Smt. Sumitra Devi (mother), have no objection to her desire to rejoin her husband. And her father Sri Rajendra Rawat also undertakes that he will not interfere in the matrimonial life of petitioner in any manner.
4. Though in the affidavit filed on behalf of Superintendent of Police, Barabanki, it is mentioned that on the date of marriage, the petitioner was 17 years of age, but the same being based only on the ossification test, wherein a possibility of margin of two years" error on either side is not ruled out, we are not inclined to take a hyper-technical view of the matter.
5. In view of all the aforesaid, the order of learned Additional Chief Judicial Magistrate, Barabanki, dated 17.11.2008 directing lodgment of petitioner Rakha Rawat in Nati Niketan is hereby set aside and thus she would be at liberty to rejoin her matrimonial home.
6. Besides, in the premises set out hereinabove, the trial court shall take a

considerate view in the pending criminal case said to have started on the F.I.R of petitioner's father and shall dispose of the same as per law at the earliest.

7. With the aforesaid directions/observations, this writ petition stands disposed of.