

(2015) 07 UK CK 0027

In the Uttarakhand High Court

Case No : Habeas Corpus Petition No. 6 of 2015

Sandeep Pandey

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 02-07-2015

Acts Referred:

Citation : (2015) 2 NCC 819

Hon'ble Judges : Sudhanshu Dhulia, J.

Bench : Single Bench

Advocate : B.D. Pandey, Advocate, for the Appellant; Raman Kumar Sah, Dy. Advocate General, for the Respondent

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—The petitioner claimed that he was married to the daughter of respondent No. 4 on 09.02.2015. Since there was further allegation that she is in custody of father/respondent and the parents are detained her illegally, hence the applicant moved the present Habeas Corpus before this Court. On the earlier occasion this Court was informed that the girl-Neha is under the custody of respondent No. 4 and a lady Sub-Inspector went to the house of her parents and she has taken her statement wherein she has categorically stated that she wants to stay with her parents though she does not deny the marriage. This Court vide order 14.05.2015 passed an interim order, the operative portion of the said order reads as under:--

"This Court was inclined to issue direction to the respondents to produce the girl but the learned counsel appearing for the respondent No. 4 states that she is presently in a trauma and she is not in a position to come before the Court.

In view thereof, let one lady sub inspector and one lady constable visit the house of the parents of the girl Neha and take her statement as to whether she wants to stay with her parents or go with the petitioner.

List this matter on 18.05.2015 in the daily cause list. Let statement of the girl be

submitted before this Court on the next date fixed in the matter.

It is, however, made clear that since the girl Neha is presently in the custody of her father, respondent No. 4 is hereby directed that he shall not physically take the girl Neha out of station without permission of this Court."

2. Now today the matter is listed before this Court on admission matters. The girl - Neha is present before this Court along with her parents, whose identity is not disputed by any of the counsels. She has given a statement before this Court that she does not want to stay with her husband, as she has been ill treated by him.

3. In view thereof, since the girl - Neha herself has given a categorical statement before the Court that she wants to reside with her parents, this Court is not inclined to interfere in the matter. She is at full liberty to stay with her parents, subject to proper proceedings by the husband before appropriate court, but no interfere in the present Habeas Corpus Petition can be made. Accordingly, the present Habeas Corpus Petition is hereby dismissed. Interim order, if any, stands vacated.